

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 18, 2013 – 7:00 PM**

The Brevard City Council met in regular session on Monday, November 18, 2013 at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present - Mayor Jimmy Harris, Pro Tem Mac Morrow, Council Members Rodney Locks, Wes Dickson, Maurice Jones and Charlie Landreth.

Staff Present – City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Planning Director Josh Freeman, Public Service Director David Lutz, Police Chief Phil Harris, HR Director Christine Caldwell, Building and Grounds Director Lynn Goldsmith, Finance Director Jim Fatland, Fire Dept. Captain Bradley Elmore, Utility Director Jay Johnston, PE, and Executive Assistant Jeanette Owen.

Press - Derek McKissock, Transylvania Times

Others Present – Newly elected Council Member, Ann Hollingsworth

A. Welcome and Call to Order – Mayor Harris called the meeting to order, welcomed those present and introduced council members and staff. Mayor Harris

B. Invocation – Reverend Ernest Mills, Unitarian Universalists of Transylvania County, 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. Jones moved, seconded by Mr. Morrow, the Agenda be amended to move New Business Items #1 through #6 to the Consent Agenda, and that the Agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes - Mr. Morrow moved, seconded by Mr. Landreth, the September 30 and October 7, 2013 meeting Minutes be approved as presented. Motion carried unanimously.

G. Public Hearing - None

H. Certificates/Awards/Recognition

H-1 Veterans Day Proclamation – Mayor Harris read aloud the following Proclamation, and explained the Proclamation was also presented at the Veterans Day service held on Monday, November 11th, at the County Courthouse.

Proclamation
Commemorating Veterans Day
November 11, 2013

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Jimmy Harris, Mayor of the City of Brevard, North Carolina, call upon our citizens to salute all Brevard and Transylvania County veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Signed this 11th day of November, 2013.

H-2 Acceptance of Donated Artwork from Artist Suzanne Karnatz – The donated giclee art work titled, “God Shed His Grace on Thee” the celebration of soldier Sgt. Charlie Bagwell in honor of his service to our Country was presented and accepted. Artist Suzanne Karnatz was present, along with Mrs. Judy Bagwell, mother of fallen soldier Sgt. Charlie Bagwell. Mayor Harris shared some of the events that led up to the bringing home of Sgt. Bagwell for burial back in 2007.

I. Public Participation - None

J. Special Presentation

J-1 Transylvania Regional Hospital - Mr. Bob Bednarek, President/CEO, Transylvania Regional Hospital, accompanied by Mr. Rodney Forshee presented the Hospital’s 2013 Annual Report. A copy of the report is on file with the Agenda packet materials.

K. Consent Agenda - 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. Pratt explained Item K-4 (NB-3), Corporate/Entity Resolution included in the Agenda packet materials delivered last week for Council’s review in preparation for tonight’s meeting included a “blank” application form. Prior to the start of tonight’s meeting a copy of the completed document was placed upon the dias for each Council member.

Mr. Morrow moved, seconded by Mr. Dickson, the seven Consent Agenda items be approved as presented. Motion carried unanimously. The following items were approved:

K-1 Department Staff Reports

- (a) Engineering and Utilities: Quarterly Report
- (b) Police: Quarterly Report
- (c) Finance: Quarterly & Monthly Revenue and Expenditure Report
- (e) Public Services: Monthly Report

K-2 Resolution No. 2013-25 Resolution of Appreciation to Suzanne Karnatz

RESOLUTION NO. 2013-25

**A RESOLUTION OF APPRECIATION TO
SUZANNE KARNATZ**

NOW COMES THE CITY COUNCIL for the City of Brevard, North Carolina and says:

WHEREAS, it has come to City Council's attention that Suzanne Karnatz has made a thoughtful and generous gift of a 17 3/4" x 14 1/8" giclee of "God Shed His Grace on Thee" to the City of Brevard; and

WHEREAS, City Council wishes to express its sincere gratitude and appreciation to Ms. Karnatz, and to officially enter into the Minutes of the City Council, that the gift has been accepted, as offered.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. City Council is deeply appreciative of this gift from Suzanne Karnatz, and hereby offers to her, it's most sincere and genuine appreciation to this public spirited and generous person.

Adopted this the 18th day of November, 2013.

K-3 **Resolution No. 2013-26** A Resolution of Appreciation and Acceptance of Gift

RESOLUTION NO. 2013-26

A RESOLUTION OF APPRECIATION AND ACCEPTANCE OF GIFT

NOW COMES THE CITY COUNCIL for the City of Brevard, and says:

Whereas, it has come to City Council's attention that FRANK J. PATTON, JR., and Wife, DONNA R. PATTON, have made a generous and enthusiastic gift of two thousand (2,000) shares of SHERWIN WILLIAMS common stock to the City of Brevard;

Whereas, City Council understands that the Donors' intended use of this gift is for the City to acquire and maintain green and public areas, including, for instance, City Parks, Bike and Hike Trails and similar public recreational green areas which can be enjoyed by the residents and visitors to Brevard in perpetuity; and

Whereas, City Council wishes to express its sincere gratitude and appreciation to Mr. and Mrs. Patton, and to officially enter into the minutes of the City Council, that the gift has been accepted as offered.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. City Council is deeply appreciative of this gift from FRANK J. PATTON, JR., and Wife, DONNA R. PATTON, and hereby offers to the Donors, its most sincere and genuine appreciation to these public spirited and generous persons.
2. City Council hereby accepts the gift with its gratitude, and instructs the City Manager to utilize the gift to fulfill the purposes for which it has been received.

Adopted this the 18th day of November, 2013.

K-4 Corporate/Entity Resolution – Council approved the opening of an Ameriprise Financial Services, Inc., account, and authorized the Manager to assign an agent of the City (Finance Director Jim Fatland) to liquidate the gifted stock .
Exhibit A – Corporate or Entity Resolution. (See also Resolution No. 2013-26)

K-5 (NB-4) – **Ordinance No. 2015-15** Establishing Project Budget and Contract Award for Demolition

ORDINANCE NO. 2013-15

AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR THE DEMOLITION OF THE RICE FURNITURE NORTH WAREHOUSE BUILDING; A CONDEMNED BUILDING WITHIN THE CORPORATE LIMITS OF THE CITY OF BREVARD

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Contract Act; and,

WHEREAS the City of Brevard requires certain fiscal actions to effectively provide continued and improved service to its customers; and,

WHEREAS, the City of Brevard has been delegated by the Building Inspector the responsibility for the demolition of a certain condemned structure located within its Code Enforcement jurisdiction; and

WHEREAS, Brevard City Council now desires to establish a project budget to account for the receipt and disbursement of funds for the project, hereafter referred to as the “Rice Furniture North Warehouse Demolition Project,”

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

Section 1. Revenues for this project are budgeted as follows:

REVENUES	
Transfer from Fund Balance	\$200,000
TOTAL REVENUES	\$200,000

Section 2. Projected expenditures are budgeted as follows:

EXPENDITURES	
Engineering Services (Preliminary Engineering Report)	\$795
Engineering Services (Demolition Plans)	\$7,500
Vendor Services (Asbestos Survey)	\$900
Surveying	\$1,100
Engineering Demo Plan Review by Consulting Engineer	\$225
Demolition Contractor	\$168,500
Contingencies	\$20,980
TOTAL EXPENDITURES	\$200,000

Section 3. This ordinance shall remain in effect until the completion of the Rice Furniture North Warehouse Demolition Project.

Section 4. Brevard City Council hereby approves the award of a contract for demolition of the Rice Furniture North Warehouse to the D.H. Griffin Companies.

Section 5. The Finance Officer and City Manager are instructed to take appropriate actions to implement this ordinance, including execution of a demolition contract.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted this the 18th day of November, 2013.

K-6 (NB-5) Board and Committee Appointment, Board of Adjustment – Council appointed Mr. Harry R. “Tad” Fogel to the Board of Adjustment as an alternate member; term will expire November 2016.

K-7 (NB-6) Fire Department FEMA Grant – Council granted approval for the City of Brevard Fire Department to apply for a 2013 FEMA Assistance to Firefighters Grant Program grant in the amount of \$500,000. If the grant is awarded, City staff will

prepare a budget amendment for Council consideration.

L. Unfinished Business

L-1. **Ordinance No. 2013-14** An Ordinance Concerning the Board of Adjustment; Amending Article 16 of the Unified Development Ordinance to Modify the Procedures and Standards for Hearings and Decisions on Administrative Appeals and on Applications for Variances and Conditional Use Permits.

Mr. Freeman offered this is the completion of the Public Hearing for the text amendment presented at Council's last meeting. Proposed text changes are due to and in keeping with the recently adopted NC State Legislature changes to the Board of Adjustment and Appeals. Drafted Ordinance has been reviewed and vetted by the Board of Adjustment attorney, Mr. Mike Egan.

Council discussed with staff and City Attorney some of the changes. Mr. Pratt offered when looking at the procedural considerations that the BOA had to consider (pgs. 12 & 13) compared to the new standards (pg. 16) it shows the changes are rather delicate and not substantial changes.

Mr. Landreth moved, seconded by Mr. Morrow, the text amendments in the drafted **Ordinance No. 2013-14** be adopted as presented. Motion carried unanimously.

ORDINANCE NO. 2013-14

AN ORDINANCE CONCERNING THE BOARD OF ADJUSTMENT; AMENDING ARTICLE 16 OF THE UNIFIED DEVELOPMENT ORDINANCE TO MODIFY THE PROCEDURES AND STANDARDS FOR HEARINGS AND DECISIONS ON ADMINISTRATIVE APPEALS AND ON APPLICATIONS FOR VARIANCES AND CONDITIONAL USE PERMITS.

WHEREAS, N.C.G.S. § 160A-388 authorizes municipalities to establish boards of adjustment to hear and decide requests for variances and conditional use permits and appeals of decisions of administrative officials; and

WHEREAS, the City of Brevard Unified Development Ordinance has established a board of adjustment for the purposes enumerated in N.C.G.S. § 160A-388; and

WHEREAS, Session Law 2013-126 has modified the procedures by which boards of adjustment function, as well as the standards for deciding requests for variances; and

WHEREAS, City Council finds that this Ordinance is neither consistent nor inconsistent with the City of Brevard Land Use Plan; and

WHEREAS, City Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it enacts modifications to the procedures and standards for boards of adjustment required by the North Carolina General Assembly; and

WHEREAS, City Council, after due notice, conducted a public hearing on the 21st day of October, 2013, upon the question of amending the Unified Development Ordinance in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This ordinance is enacted pursuant to the grants of authority contained in Section 160A-381 of the North Carolina General Statutes and North Carolina Session Law 2013-126.

SECTION TWO. Section 16.10 of the City of Brevard Unified Development Ordinance, entitled "General Requirements for Quasi-Judicial Hearings and Decisions", is hereby created to read as follows:

16.10 General Requirements for Quasi-judicial Hearings and Decisions

A quasi-judicial decision is a process that involves the finding of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance. Quasi-judicial decisions include decisions involving variances, special use permits, and appeals of administrative determinations.

- A. **Procedure for Filing Appeals and Applications.** Notices of appeal shall be filed with the City Clerk. Applications for variances and for special use permits shall be filed with the Administrator. All appeals and applications shall be made upon the form specified for that purpose, and all information required on the form shall be complete before an appeal or application shall be considered as having been filed.
- B. **Notice of Hearing.** Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal or application is the subject of the hearing, to the owner of the property that is the subject of hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by these regulations. In the absence of evidence to the contrary, the City may rely on the Transylvania County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- C. **Hearings.** The Board shall conduct a quasi-judicial hearing on the appeal or application. It shall determine contested facts and make its decision within 45 days of the conclusion of hearing. The Board's decision shall be based upon competent, material, and substantial evidence in the record of the hearing. The decision shall be reduced to writing and reflect the Board's determination of contested facts, if any, and their application to applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Board. The decision of the Board shall be effective upon filing such decision with the clerk to the Board. The clerk shall see that the decision is delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, any entity granted party status at the hearing, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective and shall certify that proper notice has been made.
- D. **Voting.** The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of members shall be required to decide any other quasi-judicial matter or to determine an appeal in the nature of certiorari. For the purposes of this paragraph, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- E. **Burden of Persuasion.** In all quasi-judicial hearings, the applicant or appellant, as the case may be, shall have the burden of persuasion.
- F. **Rehearings.** An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of 15 days after the date of the BOA's decision. In addition, specific information to enable the BOA to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the BOA, if, in its judgment, a prima facie case for such change has not been alleged. A quasi-judicial hearing shall not be required to be held by the BOA to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four voting members for a variance and a simple majority for all other matters. In the event that the BOA finds that a rehearing is warranted, it shall proceed as in the original hearing except that the application fee shall be waived.

Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

- G. **Appeals of the BOA's decisions.** Every quasi-judicial decision of the BOA under this section shall be subject to review by the Superior Court Division of the General Courts of

Justice of the State of North Carolina by proceedings in the nature of certiorari. A petition for review shall be filed with the clerk of superior court by the latter of 30 days after the decision is effective or after a written copy is given in accordance with paragraph (C) of this section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

SECTION THREE. Section 16.10 of the City of Brevard Unified Development Ordinance, entitled “Special Use Permits”, is hereby renumbered Section 16.11 and amended as follows:

16.11. Special use permits.

- A. **Purpose.** Special uses are generally compatible with the land uses permitted by right in a zoning district, ~~but which~~ but require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.
- B. **General requirements.**
1. Only those uses enumerated as special uses in a zoning district, including but not limited to hours of operation, height, bulk, mass, intensity of use, etc. shall be authorized by the BOA.
 2. The evaluation and approval of the special use permit shall be based upon the sworn testimony and evidence presented at the hearing relevant to the following findings-of-fact:
 - (a) The use meets all requirements and specifications of the ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
 - (b) The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible to the surrounding area; and
 - (c) The proposed use or structure will not be injurious to the public health, safety, and welfare, and will not be detrimental to the value of adjoining property and associated uses.
 3. In approving an application for a special use permit, the BOA may attach fair and reasonable conditions which support the required findings-of-fact. The BOA may not require the landowner to waive a vested right as a condition of the special use permit approval. The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the plan would be contrary to one or more of these findings shall rest entirely with the applicant or landowner.
- C. **Review procedure.**
1. The applicant shall request a meeting as required per Chapter 17 and submit a sketch plan along with an environmental survey to the administrator for a non-binding review.
 2. Upon determination of completeness and general conformity with this ordinance, the administrator shall authorize the applicant to submit the master plan as defined in Chapter 17 for formal review. Depending upon the nature of the application, additional construction documents such as building elevations may be necessary. Such master plan shall be submitted at least 60 days prior to the TRC meeting at which it will first be reviewed.
 3. The administrator shall review and make comment on the master plan. When the administrator determines that the application is complete and complies with the ordinance, it shall be accepted. If the master plan is denied, the reasons for denial shall be stated in writing, and the applicant may resubmit the

development for further review.

4. When the administrator determines that the application is complete and complies with this ordinance, the administrator shall transmit submitted application materials along with any recommendations to the TRC, as well as to the community appearance commission and other applicable review entities as appropriate. The administrator may require that the application be circulated to other relevant city, county, and state agencies and officials for comment(s) as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended.
 5. The community appearance commission and other agencies and officials shall transmit any recommendations to the TRC prior to the next regularly scheduled meeting of the TRC.
 6. The TRC shall, within 30 days of receipt of all necessary application materials and additional information, take action to recommend approval, approval with conditions, or denial the application.
 7. Following action by the TRC, the administrator shall transmit the application to the BOA for action.
 8. In addition to the notice requirements contained in Section 16.10.B, above, the administrator shall notify all adjacent property owners of the scheduled public provide additional notice of the hearing date, time, and location in accordance with the following:
 - (a) A notice shall be published in a newspaper having general circulation in the city once a week, for two successive weeks, the first notice to be published not less than ten days nor more than 25 days prior to the date established for the hearing.
 - (b) A prominent sign shall be posted on the subject property or properties beginning not less than ten days nor more than 25 days prior to the date established for the hearing. Such notice shall state the date, time, and location of the public hearing, and a phone number to contact during business hours for additional information. The sign shall remain until after the BOA has rendered its final decision.
 9. The processing of a special use permit shall be conducted by the BOA. During the public hearing, all parties presenting testimony and evidence shall be duly sworn. ~~Testimony both in favor and against the special use district application shall be presented and will be considered in formulating the findings of fact required for a decision.~~
 10. The BOA may require a Traffic Impact Study, an Environmental Impact Statement, and any other additional information as necessary to properly consider the application.
 11. The BOA may attach reasonable and appropriate conditions on the location, nature, and extent of the proposed use. ~~The applicant shall have up to 30 calendar days to consider and respond to any additional requirements prior to approval or denial by the BOA.~~
 12. Following approval of the master plan by the BOA, the applicant shall submit to the administrator all construction documents, and all other documents specified by Chapter 17 for project approval and administration. The administrator shall require evidence of approval of any other permit required by any other federal, state, or local agency (i.e. NCDOT permits, NCDENR permits, Army Corps of Engineers permits, and etc.).
- D. ***Effect of approval.*** If an application is approved, the special use permit that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The applicant must record the approved special use permit and submit a copy to the city.

- E. **Substantial changes.** Any substantial change to a special use permit that results in the increase of the intensity, density, or character of the use shall be approved or denied by the BOA as an amended special use permit. Minor field alterations or minor revisions to approved special use permits may be approved by the administrator if the special use still meets the intent of the standards established with the original approval.
- F. **Revocation of special use permits.**
1. The applicant must secure a valid building permit within a 12-month period from date of approval of the special use district unless otherwise specified.
 2. If such project is not complete and a valid building permit is not in place at the end of the 12-month period, the administrator shall notify the applicant of either such finding. Within 30 days of said notification, the administrator shall make a recommendation concerning the rescission of the special use permit to the BOA. The BOA may then revoke the special use permit, or extend the special use permit for a specified period of time.
 3. The board of adjustment may revoke any special use permit upon finding that a violation of any provision of Brevard City Code, the City of Brevard Unified Development Ordinance, or a specific condition or requirement of the board of adjustment has occurred.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE STRUCK THROUGH]

SECTION FOUR. Section 16.11 of the City of Brevard Unified Development Ordinance, entitled “Appeals and Variances”, is hereby renumbered Section 16.12 and amended as follows:

16.12. Administrative appeals and variances.

- A. **Applicability.** The BOA shall hear any applications for appeals of an administrative interpretation, and applications for appeal of denial and decide appeals of decisions of administrative officials charged with enforcement of the UDO, including denials of category I and II land development permit applications, and may grant variances from the dimensional requirements of this ordinance. Any person who has standing under N.C.G.S. 160A-393(d) or the City may appeal a decision to the BOA. An appeal is taken by filing a notice of appeal with the City Clerk. The notice of appeal shall state the grounds for the appeal.
- B. **Public notification Notice of decision.** The administrator shall give notice of all public hearings. Public notice shall become a part of the record of the proceedings of the BOA. Notice shall be given in the following manner:
1. Notices shall be sent by the administrator by first class mail to the applicant and to owners of all contiguous properties at least ten days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 2. Notices shall also be posted by the administrator in a conspicuous location in the City Hall at least ten days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 3. A notice shall be posted by the administrator in a conspicuous location on the property at least ten days prior to the public hearing. This notice shall indicate the nature of the public hearing, the date, time, and location at which it is to occur.
 4. A notice shall be published in a newspaper having general circulation in the city once a week, for two successive weeks, the first notice to be published not less than ten days nor more than 25 days prior to the date established for the hearing. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail and shall

communicate the official's decision as well as the means whereby an appeal of that decision may be taken.

C. ***Administrative appeal procedure.*** The BOA shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the administrator and apply such interpretation to particular fact situations:

- ~~1. An appeal may be initiated by any aggrieved party or by any officer, department or board of Brevard upon the submission of a completed application. The filing of any application stays all proceedings unless the administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the BOA or by a judicial court of law.~~
- ~~2. The applicant shall have the burden of proof in all matters coming before the BOA.~~
- ~~3. All decisions of the BOA shall be in writing and filed with the administrator.~~
- ~~4. An appeal may be made by any person who has received a ruling from the administrator. An appeal to the BOA shall be made within 30 days of the decision, order, determination, or interpretation made by the administrator.~~
- ~~5. The BOA shall have all the powers of the administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.~~
- ~~6. The BOA may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed.~~
- ~~7. In no case shall a decision of the BOA have the effect of writing or rewriting a provision of this ordinance. Actions of the BOA shall be based upon a literal interpretation of words and phrases.~~
- ~~8. The concurrent supermajority vote of four-fifths of the voting members of the BOA shall be necessary to make an interpretation of the ordinance, or reverse any order, requirement, or decision or determination of the administrator.~~
1. The owner of the property or such other party as has received written notice of the decision, pursuant to Section 16.12.B, above, shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from any source of actual or constructive notice of the decision within which to file an appeal.
2. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Unified Development Ordinance Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property for at least 10 days. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.
3. The official who made the decision shall transmit to the BOA all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
4. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the BOA after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with

enforcement of the regulations. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the regulations shall not stay further review of an application for permits or permissions to use such property; in these situations the appellant may request, and the Board may grant, a stay of a final decision of permit applications or building permits affected by the issue being appealed.

5. Subject to the provisions of Paragraph (4), above, the Board shall hear the appeal within 45 days of the date of filing such appeal, and shall render its decision within a reasonable time thereafter.
6. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all powers of the official who made the decision.
7. When hearing an appeal pursuant to N.C.G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in N.C.G.S 160A-393(k).
8. The parties to an appeal may agree to mediation or other forms of alternative dispute resolution.

D. — ***Variance procedure.*** When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this ordinance, the BOA shall have the power to vary or modify any of the regulations or provisions of this ordinance relating to the construction or alteration of buildings or structures.

1. — A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property upon the submission of a completed application. The filing of any application stays all proceedings unless the administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the BOA, city council or by a judicial court of law
2. — The BOA may only grant a variance after having first held a public hearing on the matter and having made each of the following determinations:
 - a. — There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, and topography that are not applicable to other lands or structures in the same district;
 - b. — There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance;
 - c. — The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit;
 - d. — In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done;

- ~~_____ e. The reasons set forth in the application justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures;~~
- ~~_____ f. If the applicant complies with the provisions of this ordinance, he/she can secure no reasonable return from, nor make any reasonable use of the property;~~
- ~~_____ g. Granting the requested variance will not confer upon the applicant any special privileges that are denied to other property owners, residents, or establishments in the district in which the property is located;~~
- ~~_____ h. The practical difficulties or unnecessary hardships are not the result of the actions of the applicant.~~

3. ~~The following are not cause for a variance:~~

- ~~_____ a. The citing of other nonconforming or conforming uses of land or structures in the same or other districts.~~
- ~~_____ b. The request for a particular use expressly, or by inference, prohibited in the district involved.~~
- ~~_____ c. Economic hardship or the fact that property may be utilized more profitably with a variance.~~
- ~~_____ d. In accordance with NCGS § 160A-388(D), the establishment, expansion, or continuation of a structure or use of land or structure that is prohibited by this ordinance.~~
- ~~_____ e. To provide relief from any requirement relating to Chapter 14 of this ordinance (including, but not limited to, sign amortization provisions), except as such requirements directly relate to the setback requirements of Chapter 2, herein.~~
- ~~_____ f. To provide relief from any requirement of this ordinance pertaining to any of the following: streets, sidewalks, sewer, water (Chapter 13); steep slope areas, and stormwater management, sedimentation and erosion prevention (Chapter 6). Variances pertaining to encroachments into surface water protection areas other than that portion lying in the regulatory floodway may be considered. In no case shall a variance pertaining to a surface water protection area be issued for any purpose other than to facilitate the placement of a principal structure, and such variances shall only be considered after all opportunities for the issuance of other dimensional variances that would not cause an encroachment into the surface water protection area have been fully exhausted. No other variance, including but not limited to the clearance of vegetation for aesthetic purposes or the placement of accessory structures, shall be considered. Provided, however, nothing in this paragraph shall be deemed to prohibit the granting of variances for flood hazard areas expressly authorized in Chapter 34 of Brevard City Code, above, or elsewhere in this chapter.~~
- ~~_____ g. To permit the channelization, straightening, or any other modification to a stream or other water body channel that is regulated by Chapter 6 of this ordinance.~~
- ~~_____ h. To provide relief from any requirement of Chapter 3 of this ordinance, or any other requirement of this ordinance pertaining to planned development districts, conditional zoning districts, group developments, special uses, or uses permitted with standards.~~

4. ~~The BOA, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance and shall be punishable as~~

prescribed in Chapter 18.

5. ~~The concurrent, supermajority vote of four-fifths (4/5) of the voting members of the BOA shall be necessary to grant a variance. The applicant shall have the burden of proof in all matters coming before the BOA.~~

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

SECTION FIVE. Section 16.12 of the City of Brevard Unified Development Ordinance, entitled “Procedures for Variances”, is hereby repealed.

SECTION SIX. Section 16.13 of the City of Brevard Unified Development Ordinance, entitled “Variances”, is hereby enacted to read as follows:

16.13 Variances.

Except as limited herein, the Board of Adjustment shall have the authority to vary provisions of the UDO in accordance with this section.

A. **Standards for Granting Variances.** Except as limited by Section 16.13.D, below, when unnecessary hardships would result from carrying out the strict letter of the UDO, the BOA shall vary such regulations upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

Economic hardship or the fact that property may be utilized more profitably with a variance shall not constitute an unnecessary hardship.

B. **Guiding Principles.** In judging a request for a variance, the Board of Adjustment shall be guided by the following principles:

1. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
2. The hardship relates to the applicant's land, rather than personal circumstances;
3. The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
4. The hardship is not the result of the applicant's own actions; and
5. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

C. **Conditions.** The BOA, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance and shall be punishable as prescribed in Chapter 18.

D. **Limitations on Board's Authority.** The BOA shall not have authority to grant variances in the following situations:

1. To provide relief from the steep slope requirements of Section 6.4.
2. To provide relief from the sedimentation and erosion control requirements of Section 6.5.
3. To provide relief from the storm water requirements of Section 6.6 inasmuch as that section provides for a fee-in-lieu for storm water compliance.
4. To provide relief from any requirement relating to Chapter 14 (Nonconformities) of this Ordinance except as such requirements directly relate to the setback requirements of Chapter 2.
5. To provide relief from any requirement of this ordinance pertaining to any of the following: streets, sidewalks, sewer, water (Chapter 13); steep slope areas, and storm water management, sedimentation and erosion prevention (Chapter 6). Variances pertaining to encroachments into surface water protection areas other than that portion lying in the regulatory floodway may be considered. In no case shall a variance pertaining to a surface water protection area be issued for any purpose other than to facilitate the placement of a principal structure, and such variances shall only be considered after all opportunities for the issuance of other dimensional variances that would not cause an encroachment into the surface water protection area have been fully exhausted. No other variance, including but not limited to the clearance of vegetation for aesthetic purposes or the placement of accessory structures, shall be considered. Provided, however, nothing in this paragraph shall be deemed to prohibit the granting of variances for flood hazard areas expressly authorized in Chapter 34 of Brevard City Code, above, or elsewhere in this chapter.
6. To permit the channelization, straightening, or any other modification to a stream or other water body channel that is regulated by Chapter 6 of this ordinance.
7. To provide relief from any requirement of Chapter 3 of this ordinance, or any other requirement of this ordinance pertaining to planned development districts conditional zoning districts, group developments, special uses, or uses permitted with standards.

E. **Procedures for Variances Pertaining to Surface Water Protection Areas.** Variances pertaining to floodways and other surface water protection areas, and special hazard areas shall be considered by the board of adjustment in accordance with the procedures set forth in this chapter. However, the following additional requirements shall apply.

1. Variances shall only be issued upon the following determinations:
 - (a) There has been a showing of good and sufficient cause;
 - (b) Failure to grant the variance would result in exceptional hardship;
 - (c) The granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (d) The variance is the minimum necessary to afford relief.
2. Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
3. Variances shall only be issued prior to flood plain development permit approval.

F. **Variances for the Repair or Rehabilitation of Historic Structures.** A variance may be granted to facilitate the repair or rehabilitation of historic structures upon the

determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

- G. **Conformance With City Code.** Structures and uses permitted by means of a variance from a provision of this ordinance shall otherwise conform to all other applicable provisions of this ordinance and the Brevard City Code.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

SECTION SEVEN. Section 16.13 of the City of Brevard Unified Development Ordinance is retitled “Administrative Modification of Dimensional Standards and renumbered Section 16.14.

SECTION EIGHT. Section 16.14 of the City of Brevard Unified Development Ordinance, entitled “Architectural Exceptions”, is renumbered Section 16.15, and the remaining sections of Chapter 16 are renumbered sequentially.

SECTION NINE. In administering this Ordinance, the City of Brevard shall have all the remedies and enforcement powers contained in the Unified Development Ordinance and as provided by the General Statutes.

SECTION TEN. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

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

SECTION TWELVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION THIRTEEN. This ordinance shall be in full force and effect from and after its enactment.

Adopted this the 18th day of November, 2013.

M. New Business – None (Items were moved to Consent Agenda.)

N. Remarks By Officials

Mayor Harris shared the framed photograph that is in Council Chambers of the American Flag and Council was taken back in 2007 during the service for fallen soldier Sgt. Charlie Bagwell. The flag in the photo was the one presented to Mrs. Judy Bagwell.

Mayor Harris shared since Council’s last meeting an election has taken place. Mr. Morrow was re-elected, and, Ms. Ann Hollingsworth has been elected. Tonight is Mr. Lock’s last meeting to serve on Council, and he extended his appreciation to Mr. Locks for his years of service to the City and its citizens.

Mr. Morrow shared he looks forward to his continued service on Council, and, expressed his appreciation for the many contributions Mr. Locks, Rodney, has made while on Council. He and Rodney first got acquainted as together they explored ways to start a recycling program. Our citizens are most fortunate to have had Rodney’s care for the community and his leadership.

Mr. Dickson expressed his appreciation to Rodney for his friendship and the guidance he has offered him and that he looks forward to continuing to work with Rodney in the future.

Mr. Jones expressed his appreciation to Rodney for his friendship, for his being a mentor to him, and for one who has been like a father figure to him. His contributions to the Community have been great.

Mr. Landreth concurred with his fellow Council members and added his appreciation for Rodney's experience, good judgment, insight, and for his willingness to allow him (Mr. Landreth) to speak his mind.

Mr. Locks shared it has been an honor to serve the citizens of Brevard for the past sixteen years. Council, being anchored with Attorney Mike Pratt on one end and Manager Joe Moore at the other, along with City staff, will allow the City to continue to have a strong Council. A Council who will continue to be good at planning and strategies, methodologies and programs. He encouraged all to not forget fervent prayer and to do the right thing.

Mr. Pratt expressed his appreciation to Rodney and that it has been a joy, privilege and honor to serve with him. Commended Rodney for his leadership provided not only here in our Community but also on the State level as he served in many capacities, including President of the NC League of Municipalities.

O. Closed Session- Mayor Harris asked the City Attorney if it would be appropriate to convene two closed sessions for the purpose to discuss (1) potential property acquisition; and, (2) personnel matter. City Attorney advised it would be appropriate pursuant to **GS § 143-318.11. (a)(3) and (6)**. Each closed session will require a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

At p.m. 8:27 p.m. Mr. Landreth moved, seconded by Mr. Morrow, Council go into closed session to discuss a property acquisition matter. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Manager, Planning Director, Finance Director and City Clerk.

A three minute break was taken to allow citizens and staff to leave Council Chambers.

Council Returned to Regular Session - At 8:53 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.

At 8:53 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 9:12 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.

Mr. Morrow moved, seconded by Mr. Landreth, Council approve **Ordinance No. 2013-17** Amending Ordinance Number 2013-11 Fixing Compensation and the Other Terms of Employment for City Manager Joe Moore. Motion carried unanimously.

ORDINANCE NO. 2012-16

AN ORDINANCE AMENDING ORDINANCE NUMBER 2013-11 ENACTED ON SEPTEMBER 16, 2013, FIXING COMPENSATION AND THE OTHER TERMS OF EMPLOYMENT FOR CITY MANAGER JOE MOORE

WHEREAS, the City Council has reviewed the above referenced Ordinance, and has determined that it should be amended;

WHEREAS, in accord with Chapter 2, Article III of the Brevard City Code, the compensation of the City Manager and other terms of his employment are to be fixed by ordinance; and

WHEREAS, Council hereby amends the above referenced Ordinance by setting forth changes to Section 7, regarding the accrual of vacation benefits, Section 11(b), regarding severance from employment and Section 12, so as to ratify the original ordinance provisions which are not inconsistent herewith;

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

Section 1. RATIFICATION OF APPOINTMENT. Mr. Joseph M. Moore, II (herein after referred to as the "City Manager") was duly appointed to the Office and position of City Manager of the City of Brevard, effective September 1, 2009, and has served ably since that date, and City Council desires his continued service.

Section 2. SALARY. The City Manager's base salary is hereby set at \$115,762.00, retroactive to July 1, 2013, which shall be paid by the City of Brevard.

Section 3. EQUIPMENT USE AND ALLOWANCES.

(a) MOTOR VEHICLE MAINTENANCE AND GAS ALLOWANCE. In addition to the City Manager's salary, the City of Brevard shall pay to him monthly the sum of \$200.00 as compensation for providing a vehicle for his use in connection with the conduct of his office. This payment shall be designated as a motor vehicle maintenance and gas allowance, and shall be paid in lieu of any reimbursement for actual mileage traveled in the course of the conduct of his office, except as mileage for attending those Professional Growth and Development meetings contemplated in Section 8.

(b) STANDARD OFFICE EQUIPMENT. The City of Brevard has been providing and shall continue to provide, for the use of the City Manager, all standard and reasonably necessary office equipment, including but not limited to a cell phone and a laptop computer, which shall be provided for business use at no cost to the City Manager.

Section 4. RESIDENCE REQUIREMENT. The City Manager shall be required to reside within the city limits of the City of Brevard or within the Extra-Territorial Jurisdiction of the City.

Section 5. ANNUAL EVALUATION. The City Manager's ongoing job performance will be reviewed each year prior to the establishing of the next fiscal year's budget and following that review, the City Council will set the terms of his continued employment, with any raises to be effective at the beginning of the next fiscal year. The evaluation shall include a written report and presentation by City Council to the City Manager.

Section 6. FUTURE INCREASES. The City Manager shall not qualify for or participate in any longevity pay raise or Cost of Living Adjustment (COLA) pay raise plan. Any salary raises will be individually considered by City Council and shall be based on performance, as well as other factors which are deemed relevant by City Council.

Section 7. PERSONNEL POLICY AND BENEFITS.

(a) 401K PLAN CONTRIBUTION. The City of Brevard shall contribute an amount equal to three percent (3%) of the City Manager's salary to his 401K plan, annually.

(b) VACATION. The City Manager shall accrue vacation as per the provisions of Section 7 of the Personnel Policy, but Section 8 thereof shall not apply to him, and he shall be entitled to accumulate 320 vacation hours, instead of the limits imposed on employees pursuant to Section 8 of the Personnel Policy.

(c) OTHER BENEFITS. The City of Brevard Personnel Policy shall not apply to the City Manager. However, the Personnel Policy shall be followed for certain benefits to which he shall be entitled, to wit:

- Health Insurance/Health Savings Account for the City Manager and his family;

- Sick leave and payment therefor;
- Paid holiday schedule;
- Group life insurance, short term disability insurance and dependent life insurance.

Section 8. PROFESSIONAL GROWTH AND DEVELOPMENT. The City Manager shall be permitted, and is encouraged to attend appropriate professional and municipal functions, meetings, conferences, etc., as a legitimate travel expense in accordance with the travel policies of the City. These may include the North Carolina League of Municipalities, the International City Management Association, the North Carolina City and County Management Association, the American Society of Civil Engineers and the American Public Works Association

Section 9. COMMUNITY INVOLVEMENT. The City Manager is encouraged to be active and involved in all positive and appropriate facets of the community, including in his discretion, participation in civic organizations, charitable events, speaking engagements and the like. Upon the request of the City Manager, City Council will consider an allowance for participation in civic organizations.

Section 10. STANDARDS FOR BEHAVIOR AND CONDUCT. The City Manager shall at all times, and in all locations, present himself in public and in the presence of others, in such manner as is appropriate to the person who is the primary spokesperson and manager for the City of Brevard. In this regard, his conduct shall at all times be that of a competent, truthful, ethical and moral individual, and shall be beyond reproach. Any conduct in violation of this provision, including but not limited to a criminal misdemeanor or felony conviction of any kind, shall be grounds for immediate dismissal.

Section 11. TERMINATION OF EMPLOYMENT.

(a) VOLUNTARY SEPARATION. In the event that the City Manager voluntarily terminates his employment, no severance of any kind shall be paid by the City of Brevard.

(b) INVOLUNTARY SEPARATION. City Council retains the absolute right to terminate the City Manager's employment at will. In the event that the City Manager's employment is terminated by act of City Council:

(1) He shall receive six (6) months' salary as severance pay in lieu of any other remaining salary. Severance pay shall be terminated immediately upon his acceptance of any other employment. Severance pay may be paid in lump sum or over the regularly scheduled pay days, in the discretion of City Council; and

(2) He shall receive an amount of money designed to allow him to keep his health insurance policy in effect during the six (6) month severance period, or until he becomes insured by another employer, whichever occurs first. This provision could be fulfilled by continuing him on the current policy, if feasible; or by paying for another policy with similar benefits; or by paying him the funds Council determines to be appropriate to comply with this provision, whichever Council determines to be most appropriate at the time.

(3) No other benefits shall be paid or continued in effect following termination except as may be required by law.

Section 12. RATIFICATION AND EFFECTIVE DATE. All provisions contained within the original ordinance not inconsistent herewith, are hereby ratified and approved. This Ordinance shall be retroactively effective as of July 1, 2013.

Adopted and approved this the 18th day of November, 2013.

Adjourn - There being no further business before Council, Mr. Landreth moved, seconded by Mr. Morrow the meeting be adjourned. Motion carried. Meeting adjourned at 9:13 p.m.

Jimmy Harris
Mayor

Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: February 17, 2014