

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
September 21, 2015 – 7:00 PM**

The Brevard City Council met in regular session on Monday, September 21, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, HR Director Derrick Swing, Planning Director Daniel Cobb, Planner Aaron Bland, Sr. Code Enforcement Officer Paul Ray, Specialist/Deputy Clerk Jill Murray, Public Works Director David Lutz, Parks & Property Mgmt. Director Lynn Goldsmith, Project Development Director Josh Freeman and Police Chief Phil Harris.

Press – Kevin Fuller, Transylvania Times

A. Welcome and Call to Order – Mayor Harris called the meeting to order, welcomed those present and introduced Council members, Manager, Attorney and Clerk.

B. Invocation – Pastor Mary Hinkle Shore, Lutheran Church Of The Good Shepherd, offered an Invocation.

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

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

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

F. Approval of Minutes – Ms. Hollingsworth moved, seconded by Mr. Landreth, the August 17th Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

Certificate of Appreciation was presented to Mr. Seyl Park for his seven years of service on the Planning Board.

Introduction – The City's new Planning Department staff member, Senior Code Enforcement Officer Mr. Paul Ray, was introduced and welcomed. Mr. Ray's ten year old son, Mason, was also introduced.

H. Public Hearing(s)

H-1. Proposed Text Amendments to City Code, Unified Development Ordinance (UDO) Chapter 2 and 5, Setbacks. This public hearing was properly noticed and advertised on Monday, September 7th and 14th, 2015.

Mayor Harris opened the public hearing at 7:18 P.M.

Mr. Cobb presented his staff report (on file). In July Planning Staff received an application for text amendment from Mr. Doug Harris of Harris Architects. The request is to allow additional encroachments into setback areas including roof overhangs, gutters, uncovered porches, stoops, stairs, patios, balconies, bay windows and chimneys. Planning Board meet on August 18th to review the request and formulate a recommendation. Following Planning Board's discussion and modifications to the text

as originally presented, the Board unanimously recommended approval of the text amendment as presented in the drafted Ordinance. Staff recommends approval of the drafted text amendment.

Mr. Doug Harris, Applicant, offered the proposed amendment would allow more possibilities and greater flexibility for a property owner to build out their property. He presented a few power point slides illustrating structures with a minimal overhang and with a standard overhang. Text amendment would allow a setback to be measured from the structures main wall rather than from the structures overhang. Setbacks are designed to provide space between buildings; if adopted, space will continue to be provided between buildings. He concluded by stating adoption of the changes would result in a property owner's ability to have more design flexibility, interest and character into their building, and, that some of the City's larger goals, economic development, supporting sustainable design, affordable housing, etc., would be strengthened.

Public Hearing Public Participation

Ms. Patricia Wrinkle, 39 Apple Tree Street, asked if the amendment would allow the possibility of an encroachment to fall into an adjoining neighboring property.

Mr. Cobb answered, "No". An overhang would be limited to two feet, and porches would be limited to only encroach into one-third of the setback area. No encroachment(s) onto an adjoining property would be permitted.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:33 P.M.

H-2. Proposed Text Amendments to City Code, Unified Development Ordinance (UDO) Chapter 10, Off-Street Parking. This public hearing was properly noticed and advertised on Monday, September 7th and 14th, 2015.

Mayor Harris opened the public hearing at 7:33 P.M.

Mr. Cobb presented his staff report (on file). Proposed amendment would allow off-street parking within a front yard of commercial properties within a corridor/highway commercial district, as was previously discussed at the August 3rd meeting.

Ms. Hollingsworth stated she is in favor of the proposed amendment; however, also feels that the City's landscaping requirements should be revised to require more mature plantings along the highway between the roadway and parking allowed in the front of the businesses.

Public Hearing Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:39 P.M.

I. Public Participation

Mr. Richard Caldwell, 4192 Island Ford Road, stated he is a NC Licensed Architect, and spoke in favor of the City's decision to adopt a Form Base Code. He stated that several citizens are expressing concerns with the Caldwell Street widening project on Facebook, and suggested the City have Mr. Baches (Form Base Code consultant) to take a look at Caldwell Street properties in order to get quality development/re-development in order to reduce the risk of blight taking place.

Mr. Kent Heuser, 31 Ridgetop Circle, Unit #102, stated he represents "Friends of Doggy Park", citizens who feel a dog park is needed for City and County residents, and offered they desire to work in cooperation and collaboration with the City and County

to help make one happen. Their group consists of people who have experience in fund raising as well as other skills that could be utilized. Understands the City is in the process of closing on some land that will be used for parks and recreation and hopes that a portion could be designated for a dog park.

Mr. Nick Friedman, 15 Falls Creek Road, expressed concerns with the Caldwell Street widening project as it may actually hurt aesthetics along Caldwell Street and negatively impact our downtown. Seems there are competing objectives – we are trying to craft a nice downtown, while NC DOT wants to get cars through town – we don't have the same objective.

Mr. Jacob Dinkins, 500 West Probart Street, asked for a quick update on the Probart Street project.

Mr. Freeman offered the Council Parks, Trails and Recreation Committee has recommended that travel lanes be narrowed to two ten-foot lanes with a sidewalk constructed within the right-of-way. High Country Engineering is currently working on cost estimates for the design. A budget will be developed and expect final engineering to be completed in the next two or three months. Project will then come before City Council for approval before proceeding further.

J. Special Presentation(s) - None

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Mayor suggested New Business Items M-1, M-2, M-3, M-4 and M-5 be added to the Consent Agenda, and he further recommended Josh Freeman to serve on the County Transportation Advisory Committee, replacing Daniel Cobb who has served two terms.

Mr. Pratt noted Consent Agenda Item K-8 donation amounts have been changed since the Ordinances were originally drafted and as such a motion would be in order for the revisions.

Motion: Mr. Jones moved, seconded by Mr. Morrow, the drafted Ordinance dollar amount of the Patton donation funds to be given to Brevard College be changed to \$250,000. Motion carried unanimously.

Motion: Ms. Hollingsworth moved, seconded by Mr. Jones, the drafted Ordinance dollar amount of the Patton donation funds to be given to Brevard Music Center be changed to \$50,000. Motion carried unanimously.

Motion: Mr. Landreth moved, seconded by Mr. Morrow, the Consent Agenda be amended to include New Business Items M-1, M-2, M-3, M-4 and M-5, and the Consent Agenda be approved as amended. The motion carried unanimously.

The following Consent Agenda items were approved:

K-1. Staff Reports:

- a. Parks and Property Management Quarterly Report
- b. Public Works Staff Report, July 2015
- c. Finance Report, August 2015

K-2. Annexation Certificate of Sufficiency, and, **Resolution No. 2015-22 A
Resolution Fixing a Date of Public Hearing on the Question of Annexation**

Certificate of Sufficiency

I, Desiree D. Perry, City Clerk, do hereby certify that I have investigated the petition submitted by **Pisgah Forest Outdoors, LLC**, PIN 8597-45-4982 containing 1.94 acres more or less, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160-A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Brevard this 21st day of September, 2015.

Desiree D. Perry, CMC, NCCMC
City Clerk

RESOLUTION NO. 2015-22

**A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition regarding annexation of the contiguous area described herein has been received; and,

WHEREAS, the Brevard City Council has by Resolution No. 2015-19 directed the City Clerk to investigate the sufficiency thereof; and,

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Pisgah Forest Outdoors, LLC, will be held at Brevard City Hall at 7:00 P.M. on the 19th day of October, 2015.

Section 2. The area proposed for annexation is described as follows:

Metes and Bounds Property Description:

Being all of Tract D (Revised) as shown on Plat File 16, Slide 396 and beginning on a 5/8 inch found rebar, the southwest property corner of Lot 2 of the Forest Gate Shopping Center as recorded in Plat File 4, Slide 410 in the Transylvania County Registry.

THENCE South 20 degrees 36 minutes 22 seconds West for a total distance of 50.35 feet (passing a 5/8 inch set rebar, 0.3 feet above grade, at 20.29 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) to an unmarked point in the centerline of U.S. Highway 276;

THENCE North 73 degrees 04 minutes 53 seconds West for a distance of 212.31 feet along the centerline of U.S. Highway 276 to an unmarked point in the centerline of U.S. Highway 276, the southeast corner of Big Inc. as recorded in Document Book 591, Page 491 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the property line of Big Inc, paralleling more or less an existing barbed wire fence North 14 degrees 47 minutes 53 seconds East for a total distance of 181.70 feet (passing a set 5/8 inch rebar, 0.6 feet above grade, at 30.02 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) to a leaning found concrete monument 0.4 feet above grade at the base of a wooden fence post at the angle point of the barbed wire fence;

THENCE following the property line of Big Inc. North 42 degrees 07 minutes 20 seconds East for a distance of 273.48 feet, paralleling more or less the barbed wire fence to a 1 inch found iron pipe 3.0 feet above grade, a corner of Marvin L. Scott and others as recorded in Document Book 107, Page 197 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE a new line South 69 degrees 23 minutes 38 seconds East for a total distance of 129.95 feet (passing a 5/8 inch set rebar, set at grade, at 99.96 feet in the western margin of a 30 foot wide right of way) to a set 5/8 inch rebar, 0.4 feet above grade, in the line of the Forest Gate Shopping Center as shown on Plat File 4, Slide 410;

THENCE with the line of the Forest Gate Shopping Center South 20 degrees 36 minutes 22 seconds West for a distance of 371.19 feet to a 5/8 inch found rebar the point and place of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.94 acres more or less.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 21st day of September, 2015.

K-3. Year Ending June 30, 2015, Audit Contract. Council approved an Audit Contract with Gould Killian CPA Group, P. A., in the amount of \$29,000. Following execution, the contract will be filed with the City's Contracts and Agreements records.

K-4. Railroad Avenue Small Area Plan Update. Council accepted Mr. Cobb's staff report and recommendation that Council postpone any further action on the Railroad Avenue Small Area Plan until the completion and adoption of the Comprehensive Plan.

K-5. Ordinance No. 2015-19 FY 2014-2015 Budget Ordinance Amendment No. Three

ORDINANCE NO. 2015-19

**FY2014-2015 BUDGET ORDINANCE
AMENDMENT NO. THREE**

Whereas, the City Council of the City of Brevard previously approved the Annual Budget Ordinance No. 2014-13, Budget Ordinance Amendment No. One (Ordinance No. 2015-14) and Budget Ordinance Amendment No. Two (Ordinance No. 2015-15); and

Whereas, Duke Energy Carolinas, LLC notified the City of Brevard that it would be selling their maintenance facility located on Cashiers Valley Road. The asking price was \$525,000. City staff retained Wilson Co. Appraisals who valued the property at \$426,000. The property consists of 1.97 acres, 4,631 square feet of which 2,746 square feet is finished office space and 1,885 square feet is warehouse space. The building also has 1,610 square feet of covered loading dock. The building was constructed in 1990 and is 24 years old. According to the appraiser the building is heated, wired, insulated, plumbed and in good working condition; and

Whereas, the Duke Energy property would be used by the Public Services Department for its Streets Division, Water Distribution Division and Sewer Collections Division; and

Whereas, Duke Energy Carolinas, LLC has accepted the City's offer of \$426,000 subject to environmental assessment.

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

Section 1. General Fund Expenditures are hereby increased \$ 142,000 from \$8,742,145 to \$8,884,145 as shown below:

CAPITAL EXPENITURES (Real Property, P.W. Operations Center)	<u>\$142,000</u>
TOTAL EXPENDITURES	\$142,000

Section 2. General Fund Revenue is hereby increased \$142,000 from \$8,742,145 to \$8,884,145 as shown below:

LOAN PROCEEDS (Real Property, P.W. Operations Center)	<u>\$142,000</u>
TOTAL REVENUE	\$142,000

Section 3. Water and Sewer Utility Expense Fund is hereby increased \$284,000 from \$4,672,500 to 4,956,500 as shown below:

CAPITAL EXPENDITURES (Real Property, P.W. Operations Center)	<u>\$284,000</u>
TOTAL EXPENSE	\$284,000

Section 4. Water and Sewer Utility Revenue Fund is hereby increased \$284,000 from \$4,672,500 to \$4,956,500 as shown below:

LOAN PROCEEDS (Real Property, P.W. Operations Center)	<u>\$284,000</u>
TOTAL REVENUE	\$284,000

Section 5. That Revenue and Expenditures set forth below in Sections 1 through Section 34 of the Ordinance Amendment have increased \$426,000 from \$24,912,576 to \$25,338,576 as follows:

General Fund	\$8,884,145
Water & Sewer Fund	4,956,500
Utility Capital Projects Fund	7,234,884
Capital Reserve Fund	436,368
Heart of Brevard MSD Fund	130,415
Bjerg Trust Fund	100
Fire District Fund	630,058
Multi-Use Paths Fund	299,000
Narcotics Task Force Fund	67,857
Downtown Master Plan Fund	882,167
Other Post-Employment Benefits Fund	18,750
Bracken Mountain Project Fund	30,000
Health Insurance Fund	1,291,500
Housing Trust Fund	13,332
T.L. Scruggs Scholarship Trust Fund	16,500
Rosenwald Revitalization Fund	447,000

TOTAL BUDGET APPROPRIATION	\$25,338,576

Adopted and approved by City Council this the 21st day of September, 2015.

K-6. Resolution No. 2015-23 A Resolution Amending the Brevard OPEB Trust, Amendment No. Two

RESOLUTION NO. 2015-23

A RESOLUTION AMENDING THE BREVARD OPEB TRUST

Amendment No. Two

{Resolution No. 2011-12; Amendment #1 Res. No. 2012-06}

WHEREAS, the City of Brevard participates in a post-employment benefit related program called the OTHER POST-EMPLOYMENT BENEFITS TRUST (OPEB), which allows certain assets to be invested in an Irrevocable Trust; and

WHEREAS, The purpose of the Trust is to hold assets from which to satisfy the Employer's commitment to provide post-employment benefits (other than pension benefits), as offered by the Employer to its employees in accordance with the Employer's policies and/or applicable collective bargaining agreements; and

WHEREAS, City Council has determined the need to amend the Brevard OPEB Trust by updating the OPEB Co-trustees.

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

1. The co-trustees shall be and are hereby designated as James R. Fatland, City Manager/Finance Director and Derrick Swing, Human Resources Director; and

2. The said Trust is tax exempt and separate from the City of Brevard with its own Employer Identification Number (EIN #45-6335061).

3. This Resolution shall be effective upon adoption by City Council.

Adopted this the 21st day of September, 2015.

K-7. Caldwell Street Widening Project Update (NCDOT Project #U5104).
Council accepted Mr. Freeman's staff report. City Staff is collaborating with NCDOT to disseminate public information regarding the status of the project. Staff has been soliciting email addresses which will be used to deliver project updates and notify citizens of any impending lane closures or other traffic disruptions. Citizens may sign up for updates at the following URL: <https://www.surveymonkey.com/r/caldwellwidening>

K-8. Ordinance No. 2015-20 An Ordinance Supporting Public and Secondary School Track and Field Athletics in Brevard, and, **Ordinance No. 2015-21** An Ordinance Supporting the Brevard Music Center.

ORDINANCE NUMBER 2015-20**AN ORDINANCE SUPPORTING PUBLIC AND SECONDARY SCHOOL TRACK AND FIELD ATHLETICS IN BREVARD**

Whereas, the City Council notes as a result of certain eleemosynary donations made by Frank and Donna Patton, Brevard College has a new track in place, and fully operational, and Brevard High School has new artificial turf on its football field, in place and in use; and

Whereas, due to such efforts on behalf of the Pattons, Brevard College Corporation and the Transylvania County Board of Education have entered into an inter local agreement whereby each has agreed to allow the other to use its respective (track and football stadium) facilities; and

Whereas, it has come to the attention of City Council that neither the Brevard College Corporation nor the Transylvania County Board of Education has adequate track and field facilities or equipment; and

Whereas, it has also come to the attention of the City of Brevard that neither entity presently has funds or a means of fundraising to come up with the monies necessary for the procurement of such facilities and equipment; and

Whereas, City Council is also aware that the Brevard College Corporation and the Transylvania County Board of Education have approached the County Commissioners with a request for funds to use to procure the needed equipment and facilities, but that the County Commissioners have denied the joint request; and

Whereas, City Council is very much aware of the positive impact that student athletics, including track and field, have on young people in our community, as well as on the economic strength of our community; and

Whereas, it is the City Council's understanding that Transylvania County Schools have not been able to host a "home" track meet in more than ten years; and

Whereas, City Council believes that it is consistent with the highest and best use of certain funds presently held for Pedestrian and Bike Path Capital Improvements, that they be transferred to the General Fund, and then immediately placed into the Trust Account of the City Attorney, to be held by the City Attorney until such time as (1) specific plans for the equipment to be purchased and for the facilities to be constructed are approved by both Brevard College Corporation and the Board of Education; and (2) appropriate amendment to the agreement referred to herein above is made and approved by both Brevard College Corporation and the Board of Education, for a sharing of such equipment and facilities by both entities, for the benefit of their respective student athletes.

NOW, THEREFORE, CITY COUNCIL HEREBY ENACTS THE FOLLOWING ORDINANCE:

Section 1. The sum of two hundred fifty thousand (\$250,000.00), is hereby transferred from the Pedestrian and Bike Path Fund, to the General Fund, and to be immediately disbursed therefrom to the Trust Account of City Attorney Michael K. Pratt.

Section 2. The City Attorney is instructed to monitor and assist the Brevard College Corporation and the Transylvania County School Board in complying with the two conditions set forth herein above, and to then disburse those funds from his trust account, for the uses described herein above, all at the earliest time that those two conditions are, in his opinion after review, met (all of which, it is noted, the City Attorney has agreed to do without charge).

Section 3. This Ordinance shall be effective upon its adoption and approval by City Council.

Adopted and approved by City Council this the 21st day of September, 2015.

ORDINANCE NUMBER 2015-21**AN ORDINANCE SUPPORTING THE BREVARD MUSIC CENTER**

Whereas, the City Council notes that this is the eightieth (80th) anniversary of the Brevard Music Center; and

Whereas, City Council is very much aware of the positive cultural and economic impact of the Brevard Music Center on the community; and

Whereas, City Council thinks it fitting and appropriate to support the Brevard Music Center in celebration of its eightieth (80th) anniversary; and

Whereas, City Council is also aware of the need of the Brevard Music Center for the construction of new dormitories; and

Whereas, City Council believes that it is consistent with the highest and best use of certain funds presently held for Pedestrian and Bike Path Capital Improvements, that they be transferred to the General Fund, to in turn be immediately disbursed to the Brevard Music Center, Inc., for construction of new dormitory facilities at the earliest time that the said Brevard Music Center, Inc., is able to make such use of these monies.

NOW, THEREFORE, CITY COUNCIL HEREBY ENACTS THE FOLLOWING ORDINANCE:

Section 1. The sum of fifty thousand dollars (\$50,000.00) is hereby transferred from the Pedestrian and Bike Path Fund, to the General Fund, and to be immediately disbursed therefrom to the Brevard Music Center, Inc., for the uses described herein above.

Section 2. This Ordinance shall be effective upon its adoption and approval by City Council.

Adopted and approved by City Council this the 21st day of September, 2015.

K-9. Correspondence - No Action. (*Offered to Council as information only.*)

- a. NC League of Municipalities 2015 Conference, October 10-13, 2015
- b. Old City Hall Loan Pay Off
- c. NC Main Street Correspondence

K-10. (M-1) Board and Committee Appointments - Appointed Josh Freeman to serve on the Transylvania County Transportation Advisory Committee, replacing Daniel Cobb; term will expire May 2018.

K-11. (M-2) Ordinance No. 2015-22 An Ordinance to Repeal Brevard Code of Ordinances Chapter 22 Businesses Article II Privilege License Tax and Article IV Massage and Body Work Therapists.

ORDINANCE NO. 2015-22

**AN ORDINANCE TO REPEAL BREVARD CODE OF ORDINANCES
CHAPTER 22 BUSINESSES
ARTICLE II PRIVILEGE LICENSE TAX AND
ARTICLE IV MASSAGE AND BODYWORK THERAPISTS**

WHEREAS, North Carolina General Statute §160-194 authorizes the governing body of any county or municipality by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience. In licensing trades, occupations, and professions, the city may, consistent with the general law of the State, require applicants for licenses to be examined and charge a reasonable fee therefor. Nothing in this section shall impair the city's power to levy privilege license taxes on occupations, businesses, trades, professions, and other activities pursuant to G.S. §160A-211; and

WHEREAS, North Carolina General Statute §160-211(a) Authority - Except as otherwise provided by law, a city shall have power to levy privilege license taxes on all trades, occupations, professions, businesses, and franchise carried on within the city. A city may levy privilege license taxes on the businesses that were formally taxed by the State under certain sections of Article 2 of Chapter 105 of the General Statutes only to the extent the sections authorized cities to tax the businesses before the sections were repealed; and

WHEREAS, Brevard City Code, Chapter 22 Businesses, Article II. Privilege License Tax, §22-23 Levy of tax and §22-27 License period. An annual privilege license tax is hereby levied on each business conducted within the city, in the amounts set forth in this article. Any person engaged in business shall be responsible for ensuring that the applicable license tax is paid. Unless otherwise specified, the license issued pursuant to this article is valid for the 12-month period beginning October 1 and ending September 30; and

WHEREAS, On May 28, 2014 Governor Pat McCrory signed HB 1050 into law eliminating the City's authority to levy privilege license taxes effective July 01, 2015; and

WHEREAS, in an effort to comply with HB 1050, the Brevard City Council desires to repeal Chapter 22 Businesses, Article II. Privilege License Tax, §22-20 - §22-31; Division 1 Duties, Enforcement and Collections, §22-40 - §22-47; Division II Privilege License Tax and Fee Schedules, §22-50 - §22-52; and, Article III. Massage and Bodywork Therapists §22-111.

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

Section 1. Effective Date. Effective July 01, 2015, Chapter 22 Businesses, Article II. Privilege License Tax, §22-20 – §22-31; Division 1 Duties, Enforcement and Collections, §22-40 – §22-47; Division II Privilege License Tax and Fee Schedules, §22-50 - §22-52; and, Article III. Massage and Bodywork Therapists §22-111 of the City of Brevard Code of Ordinances are repealed in its entirety.

Section 2. Amend Text. Replace existing §22-53 text with the following:

Chapter 22 Businesses, **Article II. ABC LICENSE AND FEE SCHEDULE**

ABC License. Each person who receives a State of North Carolina ABC Commission permit shall obtain the corresponding local license. All licenses issued under this section are annual licenses for the period from May 1 to April 30. A license may not be transferred from one person to another or from one location to another. License is not to be pro-rated. Must provide copy of valid NC State ABC Commission permit before issuance of local license. (NCGS §105-113.70)

Fee Schedule: See adopted City of Brevard Budget, Schedule of Taxes, Fees and Charges. (NCGS §105-113.77)

Section 3. Codification. The provisions of Section 1 and 2 of this Ordinance shall be published as appropriate in the City of Brevard Code of Ordinances as soon as practicable.

Section 4. Severability Clause. 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 5. Publication and Effective Date. This Ordinance shall take effect July 01, 2015, according to law and for subsequent years unless rescinded or modified in accordance with law.

Adopted and approved this the 21st day of September, 2015.

K-12. (M-3) Ordinance No. 2015-23 An Ordinance Amending Brevard City Code Unified Development Ordinance Chapter 2 District Provisions and Chapter 5 Building Types and Architectural Standards (Setbacks / Encroachments)

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE CHAPTER 2 DISTRICT PROVISIONS AND CHAPTER 5 BUILDING TYPES AND ARCHITECTURAL STANDARDS

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2 and 5, be amended to permit additional encroachments into a setback area; and,

WHEREAS, Brevard City Council finds that these proposed amendments are neither consistent nor inconsistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, September 21, 2015, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 2, Section 2.3.E is hereby amended to include the following language:

Note: Existing #5 to be renumbered to #9.

5. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet (2').

6. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third (1/3) of the required setback dimension up to a height of four feet (4') above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than fifty square feet (50sf).
7. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet (3') into the required setback dimension. Balconies or bay windows may not exceed ten feet (10') in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed thirty three percent (33%) of the total width of each elevation.
8. Chimneys may encroach into front, rear, or side setbacks by up to two feet (2'). Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.
9. No structure or land use shall encroach upon any public or private easement or public or private right-of-way or easement unless otherwise provided for by this Ordinance.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 5, Section 5.17 is hereby amended to include the following language:

- C. Roof overhangs & gutters:
 1. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet (2').
- D. Uncovered porches, stoops, and stairs:
 1. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third (1/3) of the required setback dimension up to a height of four feet (4') above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than fifty square feet (50sf).
- E. Balconies and bay windows:
 1. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet (3') into the required setback dimension. Balconies or bay windows may not exceed ten feet (10') in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed thirty three percent (33%) of the total width of each elevation.
- F. Chimneys:
 1. Chimneys may encroach into front, rear, or side setbacks by up to two feet (2'). Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.
- G. No such eve, bay window, balcony, stairs, stoop, porch, chimney shall encroach into a public or private right-of-way or easement, regulatory floodplain, or surface water protection area.

SECTION 03. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 04. 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 05. 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 06. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 21st day of September, 2015.

K-13. (M-4) Ordinance No. 2015-24 An Ordinance Amending Brevard City Code Unified Development Ordinance Chapter 10 Parking Standards

ORDINANCE NO. 2015-24

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 10 PARKING STANDARDS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 10, be amended to create an exemption for certain properties zoned corridor mixed-use; and,

WHEREAS, Brevard City Council finds that while these proposed amendments are inconsistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard, this change is the first step in an evolution of those plans and policies with the forthcoming form-based codes; and,

WHEREAS, a public hearing was conducted on Monday, September 21, 2015, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 10, Section 10.5.G is hereby amended to include the following language:

- G. *Location of off-street parking:*
 - 1. Off-street parking shall not be permitted within any public right-of-way.
 - 2. Off-street parking shall not be permitted within any front yard setback area.
 - 3. Except for properties located in the Corridor Mixed Use (CMX) zoning district, off-street parking shall not be permitted between any principal structure and the street upon which such structure fronts. Where a structure fronts upon two or more streets, parking may be permitted between the principal structure and the adjacent street of lesser classification when parking cannot reasonably be placed in another location.
 - 4. The following uses and parking types shall be exempt from Sections 10.5(G.2) and 10.5(G.3) above:
 - a. Single-family and duplex residential structures in GR, RMX and NMX districts, except those which are subject to Chapter 2, Section 2.3(E.2).
 - b. Handicapped parking spaces as required by the North Carolina Accessibility Code or other federal, state, or local regulations.
 - c. Bicycle parking spaces required by this Ordinance.
 - d. Existing non-residential and multi-family development undergoing significant or substantial improvement or change of use as defined in Chapter 19 of this Ordinance, provided that all newly created parking spaces associated with such redevelopment shall conform with Sections 10.5(G.2) and 10.5(G.3) unless the approving authority deems that compliance would be impractical due to existing site constraints.

SECTION 02. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

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 hereof.

SECTION 04. 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 05. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 21st day of September, 2015.

K-14. (M-5) Resolution No. 2015-24 A Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition for an Annexation (Lastinger Properties, LLC)

RESOLUTION NO. 2015-24

**A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
THE SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on September 1, 2015, requesting the annexation of a contiguous area described in said Petition as the Lastinger Properties, LLC, property located off of US Highway #276, at a newly established address of 113 Mama's Place, Pisgah Forest, NC, 28768, consisting of 64.54 acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8597-47-3949)

Metes and Bounds Property Description:

The following parcel of land is located off of Pisgah Highway (U.S. HWY 276) in the Brevard Township, Transylvania County, North Carolina. Being all of that property conveyed to Lastinger Properties, LLC by a deed from The Bryson Development and Management Limited Partnership on the 16th day of June 2015 as recorded in Document Book 730 Page 412 of the Transylvania County Register of Deeds and being more particularly described as follows:

BEGINNING AT A 5/8" REBAR, said rebar being a common corner of Document Book 730 Page 412, Document Book 721 Page 395, Document Book 721 Page 398 and United States of America Tract V-1 as shown in Plat File: 2 Slide: 262 of the Transylvania County Registry and located N 16°53'46" W a horizontal ground distance of 912.15 feet from a 5/8" rebar set with a "Kee" cap and having North Carolina State Plane Coordinates(2011) of Northing: 575682.339 feet and Easting: 894465.203 feet;

Thence with the common line of Document Book 730 Page 412 and United States of America Tract V-1 the following (9) courses and distances:

- (1) N 08°01'54" E a distance of 131.17 feet to an existing 2" iron pipe with cap;
- (2) N 52°53'34" W a distance of 341.44 feet to an existing 5/8" rebar with "Raxter" cap;
- (3) N 52°53'34" W a distance of 987.60 feet to an existing 2" iron bar;
- (4) N 30°47'50" E a distance of 938.07 feet to an existing 2" iron pipe with cap in a rock pile;
- (5) N 79°13'50" E a distance of 810.59 feet to an existing 2" iron pipe with cap in a rock pile;
- (6) N 38°50'06" E a distance of 1011.06 feet to an existing 4" steel rail;
- (7) S 76°03'55" E a distance of 225.00 feet to an existing 2" iron pipe with cap in a rock pile;
- (8) S 60°41'56" E a distance of 147.37 feet to an existing 2" iron pipe with cap;
- (9) S 09°23'51" E a distance of 477.17 feet to an existing 4" steel rail; said steel rail being a common corner of Document Book 730 Page 412, United States of America Tract V-1 and Deed Book 221 Page 462 of the Transylvania County Registry and located S 58°33'15" W a distance of 148.29 feet from an existing 5/8" rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 221 Page 462 of the Transylvania County Registry the following (4) courses and distances:

- (1) S 27°40'58" W a distance of 642.12 feet to an existing 1" iron rod;
- (2) S 27°42'51" W a distance of 518.37 feet to an existing 5/8" iron pipe;
- (3) N 87°51'02" W a distance of 120.52 feet to an existing 1" axle;
- (4) S 27°09'27" W a distance of 159.89 feet to an existing 5/8" rebar in a branch; said rebar being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 431 Page 479 of the Transylvania county Registry;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 431 Page 479 of the Transylvania County Registry S 27°10'09" W a distance of 439.08 feet to an existing concrete monument with a "Raxter" cap; said concrete monument being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 363 Page 53 of the Transylvania County Registry; and located N 83°09'22" W a distance of 305.69 feet from an existing 1/2" rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 363 Page 53 of the Transylvania County Registry the following (2) courses and distances:

- (1) S 27°10'42" W a distance of 420.04 feet to an existing 1 1/4" iron pipe;
- (2) S 23°14'13" E a distance of 130.46 feet to an existing 5/8" rebar; said rebar being a common corner of Document Book 730 Page 412, Deed Book 363 Page 53, Document Book 560 Page 344 and Document Book 721 Page 395 of the Transylvania County Registry; and located N 23°11'23" W a distance of 123.61 feet from an existing 5/8" rebar set with a "Raxter" cap;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Document Book 721 Page 395 of the Transylvania County Registry S 82°14'09" W a distance of 222.19 feet TO THE TRUE POINT OF BEGINNING.

Being all of a tract of land containing 64.54 Acres, being the same more or less, according to a Plat of survey recorded in Plat File 16 Page 443 of the Transylvania County Register of Deeds by Kee Mapping and Surveying, PA (License # C-3039) on and between the dates of 01/26/15-02/06/15 and under the supervision of Nolan R Carmack, NC PLS (License # L-5076) and should be referenced for a more complete description.

WHEREAS, said Petition has been received by the City Council of the City of Brevard, North Carolina; and

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Brevard deems it advisable to proceed in response to this request for annexation.

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

Section 1. The City Clerk is hereby directed to investigate the sufficiency of the above described Petition and to certify as soon as possible to the City Council the result of her investigation.

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

Adopted and approved this the 21st day of September, 2015.

L. Unfinished Business

L-1. Resolution No. 2015-XX Adding Assault On The Carolinas to City Sponsored Special Events.

Council members agree the Assault On The Carolinas is a good event that helps brand the community at large and provides assistance to many local non-profit organizations. Mr. Jones stated the City could consider a partnership of providing City services such as police and fire staffing assistance and the waiving of permit fees rather than dollars from the City.

Mr. Landreth moved, seconded by Ms. Hollingsworth, the Pisgah Forest Rotary be invited to present a case for partnership to be a City sponsored event at their earliest convenience.

Discussion: Council's policy has been to have non-profits come to the March Budget Input meeting to make a sponsorship request. In keeping with the policy it would be best to encourage the Rotary representative(s) to come at that time.

Vote on the Motion:

Aye: Ms. Hollingsworth, Mr. Dickson

Nay: Mr. Landreth, Mr. Morrow and Mr. Jones

Motion failed.

Mr. Morrow moved, seconded by Mr. Jones, to invite Pisgah Forest Rotary to present their case to Council in March. Motion carried unanimously.

M. New Business

M-6. Comprehensive Plan Update – Mr. Cobb presented his staff report (on file). Using power point slides he provided an outline and overview of the status of the draft Plan. Work began on updating the City's Comprehensive Plan in December of 2012. Public input sessions focused on a variety of topics were held January through May 2013. Staff and Planning Board took the input and crafted the draft plan throughout the latter half of 2013 with the Planning Board's draft completed and recommended for Council's approval consideration in January 2014. Council was presented this version

at their January 2014 annual retreat. A series of work sessions throughout 2014 were held with Council in order to review and make recommended changes to the draft Plan.

The Comprehensive Plan is the primary guidance document for the City's future growth and development policies. The Plan's primary function is to outline in writing the policy the community intends to pursue with respect to growth and development, and to determine steps necessary to put the policy into effect. There has been consensus among Council that the Comprehensive Plan be completed and adopted before Staff proceeds with small area plans, including the Railroad Avenue Small Area Plan, as the Comprehensive Plan will shape how the City develops and implements small-area plans.

Staff recommends Council review the latest draft of the Comprehensive Plan and set the public hearing for the October 19th Council meeting. The draft Plan will be placed upon the City's website for public review prior to the public hearing.

Mr. Jones moved, seconded by Ms. Hollingsworth, that Council accept the Staff recommendation and to schedule a public hearing on the Comprehensive Plan for Council's October 19th meeting. Motion carried unanimously.

~~ At 8:54 PM Mayor Harris called for a ten minute break. ~~

M-7. Short-Term Rentals.

Mr. Fatland stated at Council's August meeting a citizen expressed concerns at Brevard having short-term rentals and their impact upon residential neighborhoods. In response, Council directed staff to review the situation and to report to Council. Staff has done so and Mr. Bland is prepared to report his findings.

Mr. Bland presented his staff report (on file). Short-term rental units, such as those that appear on the websites AirBnB.com and VRBO.com are a form of lodging where a property owner (called the "host") rents out a room, bed, or entire house for a stay of less than one month for a fee; the host may or may not live in the unit. A quick search of four of the most popular online rental sites returns approximately 100 listings within Brevard's jurisdiction. Proponents argue that short-term rentals contribute to the local economy, especially in high tourism areas, by encouraging more visitors and allowing homeowners to make extra income. Critics say short-term rentals erode the character of residential areas, bring problems like noise and traffic, unfairly compete with hotels and traditional B&B's that pay taxes and are regulated by a variety of agencies, and take units out of available housing stock thereby adding to affordable housing problems.

Currently, no specific land use in the UDO is listed for these types of short-term rentals. The closest existing use listed in the UDO is the lodging use of "rooming or boarding house" which is permitted by right in the NMX, DMX, CMX and IC zoning districts, and is prohibited in the GR district. Staff believes existing regulations are inadequate to address the unique issues of short-term rentals, and that new language should be adopted to fill this gap. It is Staff's opinion short-term rentals should be allowed in appropriate zoning districts with standards to address potential negative impacts on neighborhoods such as increased traffic, parking and noise.

Mayor Harris stated recently three citizens have approached him expressing their concerns that: (1) Credentials (drivers license) is required when staying at a hotel but not likely so when staying at a short-term rental. Could a sexual predator more easily stay without detection?; (2) Short-term rentals make it hard to find year-round housing rentals as owners receive more dollars with short-term rentals vs long term rental; and, (3) Short-term rentals disturb the peace and tranquility of their neighborhood.

Council discussed while those living in a residential neighborhood have a reasonable expectation to not have a home that's operating more like a hotel next door

to them, there may also be an issue of a lack of lodging available; It would be interesting to get feedback from folks who are currently renting out their houses and/or operating cottages; interested in getting occupancy rates from TDA; not interested in squashing the idea or market as short-term rentals could work well provided some guidelines are established.

Mayor stated that based upon Council's discussion and interest, consensus is for staff to pursue the subject further.

M-8. Pedestrian/Bike Trail System.

Mr. Fatland stated the Council Bike, Trails and Recreation Committee has met on the subject and Mr. Freeman is prepared to report the Committee's recommendations.

Mr. Freeman report the draft of the Bicycle and Pedestrian Plan, as provided in the agenda packet, has been completed. In the process of developing the Plan the Committee felt it important to establish a name that represents the entire network of the trail system, while still allowing for segments of the system, like Estatoe Trail, to be named. A "Name Our Trail System Contest" was promoted and the Committee received about seventy suggested names for the trail system. Committee unanimously agreed the chosen name should be a name that is memorable and easy to recall. The unanimous recommendation was, "Brevard Area Trail System", the "B.A.T." "Get on the BAT", "Visit the BAT", "While on the BAT I walked the Estatoe Trail", can easily be remembered and associated. The name coming in second was "Estatoe" as it speaks to our history, culture and natural resources.

Following a brief discussion, Mr. Landreth moved, seconded by Ms. Hollingsworth, Council approve the Resolution naming the trail system "Brevard Area Trail System" as recommended by the Committee. Motion carried unanimously.

RESOLUTION NO. 2015-25

A RESOLUTION NAMING THE CITY OF BREVARD'S NETWORK OF GREENWAYS, BIKE / HIKE PATHS, BIKE LANES, SIDEWALKS AND TRAILS

WHEREAS, Brevard City Council desires to establish a name for the City of Brevard's network of greenways, bike / hike paths, bike lanes, sidewalks and trails; and,

WHEREAS, the City of Brevard Parks, Trails & Recreation Committee unanimously recommended that Brevard City Council adopt "Brevard Area Trails" as the official name for the City of Brevard's network of greenways, bike / hike paths, bike lanes, sidewalks and trails.

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

Section 1. Brevard City Council hereby adopts "Brevard Area Trails" as the official name for the City of Brevard's network of greenways, bike / hike paths, bike lanes, sidewalks and trails.

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

Adopted and approved this 21st day of September, 2015.

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris shared a bronze plaque for the naming of the Public Works facility in honor of former Mayor Pro Tem Cornelius Hunt has arrived, and asked the Manager if a date for the dedication has been set.

Mr. Fatland responded we are waiting on signage and will soon coordinate with the family a date for a dedication service.

Mr. Morrow shared he attended the candidates forum and appreciates the comments offered by Council Members Jones and Landreth. The City is in good hands.

Ms. Hollingsworth expressed concern with the recent news of the County's consideration of building a new courthouse on Morris Road, with the Commissioners to make a decision as early as this coming November. It is important for all to understand the full impact of such a move and to have an open dialog on the issue as it affects our entire community. It would be good to discuss together, perhaps a workshop with the County Commissioners and City Council would be good.

Ms. Hollingsworth moved, seconded by Mr. Morrow, the Manager request a meeting with the Board of Commissioners to discuss and fully understand the impact of such a move.

Discussion: Mr. Landreth asked if the motion would include requesting from the Commissioners their plan for the reuse of the courthouse.

Ms. Hollingsworth amended the motion, seconded by Mr. Morrow, to include when requesting a meeting or workshop to also request the Commissioners to share their plan for the reuse of the courthouse. Motion carried unanimously.

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

Closed Session #1 - At 9:58 p.m. Ms. Hollingsworth moved, seconded by Mr. Jones, Council go into closed session to discuss an economic development matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk, Planning Director, Project Development Director, and Mr. Josh Hallingse, Transylvania Partnership for Economic Development. (A brief break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 10:45 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.

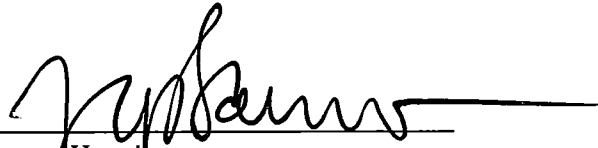
Closed Session #2 – At 10:45 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into a second closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk and Planning Director.

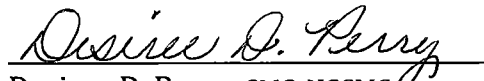
Council Returned to Regular Session – At 11:02 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #3 – At 11:02 p.m. Ms. Hollingsworth moved, seconded by Mr. Landreth, Council go into a third closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk and Planning Director.

Council Returned to Regular Session – At 11:11 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, Mr. Morrow moved, seconded by Mr. Dickson, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 11:11 P.M.


Jimmy Harris
Mayor


Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: October 19, 2015

City of Brevard Minute Book #19 - Page intentionally left blank.