

**MINUTES  
BREVARD CITY COUNCIL  
Special Called Meeting and  
Joint Planning Board and City Council Workshop  
December 10, 2015 – 5:30 PM**

The Brevard City Council met in Special Session on Thursday, December 10, 2015, at 5:30 PM in the Council Chambers of City Hall with Mayor Jimmy Harris presiding. The purpose of the Special Called meeting is to hold a Public Hearing.

After the Special Called Meeting a joint Brevard Planning Board and City Council workshop on Form Base Code is scheduled to be held, followed by some Closed Sessions.

**Present** – Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Ann Hollingsworth, Charlie Landreth and Gary Daniel.

**Absent** – Council Member Maurice Jones

**Staff Present** – City Attorney Michael Pratt, City Manager and Finance Director Jim Fatland, City Clerk Desiree Perry, Project Director Josh Freeman, Interim Planning Director Daniel Cobb, Planner Aaron Bland, Administrative Service Manager and Planning Board Secretary Janice Pinson and Fire Chief Craig Budzinski

**Press Present** – Kevin Fuller, Transylvania Times

**A. Welcome and Call to Order.** Mayor Harris called the meeting to order and welcomed those present.

**B. Quorum** – City Clerk certified a quorum present.

**C. Approval of Agenda** – Mr. Morrow moved, seconded by Mr. Landreth, the Special Called Meeting Agenda be adopted as presented. Motion carried unanimously.

**D. Approval of Minutes** – The spelling of Mr. Hallingse's name (page 5) needs to be corrected. Ms. Hollingsworth moved, seconded by Mr. Landreth, the November 16, 2015, Minutes be approved as amended. Motion carried unanimously.

**E. Public Hearing**

**Sign Ordinance Text Amendment – Proposed Unified Development Ordinance (UDO) text amendment to Chapter 12, Section 12.9.G.5 Menu Reader Board(s).** Public hearing was properly noticed and advertised on Monday, November 23<sup>rd</sup> and Monday, November 30, 2015.

Mayor Harris opened the public hearing at 5:38 P.M.

Mr. Cobb presented his staff report (on file). At present, the UDO limits the number of menu reader boards to: *"Menu reader board: Each drive-through restaurant establishment shall be allowed one menu reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height."* On October 22, 2015, the Planning Department received an Application for Text Amendment from Mr. Charles Edwards, owner of the local McDonald's Restaurant franchise, requesting the standard be amended to allow two primary menu reader boards and one secondary reader board. The Planning Board met on November 17, 2015, and unanimously recommended approval of the amendment. Staff recommends approval of the amendment as provided in the drafted Ordinance.

Public Hearing Public Participation - None

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 5:42 P.M

## **F. New Business**

**F-1. Ordinance No. 2015-35** An Ordinance Amending the City of Brevard Unified Development Ordinance to Establish a Definition for and Amend the Number of Allowable Drive-Thru Menu Reader Board Signs

Mr. Landreth moved, seconded by Mr. Morrow, the drafted **Ordinance No. 2015-35** be approved as presented.

Discussion on Motion: Would text amendment allow for a secondary menu board, and for the menu board be located either in front of or to the back of the traffic lane? Mr. Cobb replied, "Yes".

Vote on Motion: Motion carried unanimously.

### **ORDINANCE NO. 2015-35**

#### **AN ORDINANCE AMENDING THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH A DEFINITION FOR AND AMEND THE NUMBER OF ALLOWABLE DRIVE-THRU MENU READER BOARD SIGNS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 12 and 19, be amended to add a definition to increase clarity and modify the number of allowable drive-thru menu reader board signs; and,

WHEREAS, a public hearing was conducted on Thursday, December 10, 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 12, Section 12.9.G.5 is hereby amended and shall read as follows:

Menu reader board: Each drive-through restaurant establishment shall be allowed one primary menu reader board per order point, not to exceed two, and one secondary menu reader board. Primary menu reader boards shall not be greater than 32 square feet in area or seven feet in height; secondary menu reader boards shall not be greater than 8 square feet in area or seven feet in height.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 19, is hereby amended to include a new definition as follows:

Menu reader board: A one-sided sign that displays a menu and pricing for food and beverage services available on-site that may include an audible speaker and microphone integral to the sign.

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 10<sup>th</sup> day of December, 2015.

**G. Adjourn Special Called Meeting** – There being no further business, Mr. Landreth moved, seconded by Mr. Morrow, the Special Called meeting be adjourned. Motion carried unanimously. Adjourned at 5:43 PM.

**H. Recess for Light Meal** – Mayor Harris called for a brief recess to allow City Council and Planning Board members to have a light meal prior to the start of the scheduled joint workshop on Form Base Code.

### **Joint Planning Board and City Council Workshop**

**I. Welcome and Call to Order** - At 6:09 PM Mayor Harris called Brevard City Council to order for a joint workshop with the Planning Board on Form Base Code. Immediately following, Planning Board Chairman Kimsey Jackson called to order the Brevard Planning Board.

**J. Certification of Quorum** – The City Clerk certified a quorum of Council was present. Planning Board Secretary certified a quorum of Planning Board was present.

**K. Approval of Workshop Agenda** – Mr. Landreth moved, seconded by Ms. Hollingsworth, the Workshop Agenda be approved. Discussion: City Attorney Pratt recommended the Agenda be amended to show City Council will hold four Close Sessions following the workshop. Mr. Landreth and Ms. Hollingsworth amended the Motion as recommended by the City Attorney. Motion carried unanimously.

**L. Form Base Code Presentation and Discussion** – Mr. Demetri Baches, Metrocology, provided a power-point presentation on Form Base Code. The Planning Board Secretary provided Minutes of the Joint Workshop. A copy of the Planning Board December 10, 2015, Workshop Minutes, including the presentation power-point slides, are incorporated herein by reference.

**M. Adjourn Workshop Portion of Meeting** - At 7:48 PM Ms. Hollingsworth moved, seconded by Mr. Daniel, that the joint workshop with the Brevard Planning Board be adjourned. Motion carried unanimously.

**N. Call to Order City Council for Closed Sessions** – At 7:49 PM Mayor Harris called the Brevard City Council to order for the purpose of Closed Sessions.

**O. Closed Session** – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold four closed sessions to discuss two matters of potential litigation, one property acquisition and one economic development matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4) and (5)** 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 7:50 PM Mr. Morrow moved, seconded by Ms. Hollingsworth, Council go into closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the City Manager, Clerk, Project Director Josh Freeman and Interim Planning Director Daniel Cobb.

Closed Session Meeting Location - Council moved to the Administrative Conference Room for the Closed Session. City Clerk posted Notice of the change in

location and adjournment upon the door of Council Chambers. (A ten minute break was taken to move to Administrative Conference Room.)

Council Returned to Regular Session - At 8:14 PM 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 8:14 PM Mr. Landreth moved, seconded by Ms. Hollingsworth, Council go into closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the City Manager, Clerk, Project Director Josh Freeman and Interim Planning Director Daniel Cobb.

Council Returned to Regular Session - At 8:29 PM Council resumed the meeting into regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

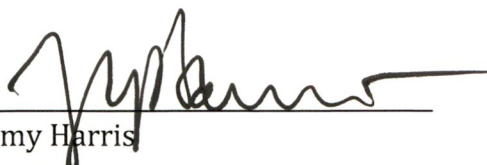
**Closed Session #3** - At 8:29 PM Mr. Morrow moved, seconded by Mr. Landreth, Council go into closed session to discuss an economic development matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the City Manager, Clerk, Project Director Josh Freeman and Interim Planning Director Daniel Cobb.

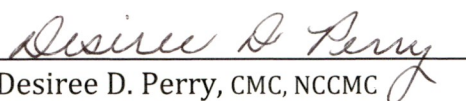
Council Returned to Regular Session - At 8:45 PM Council resumed the meeting into regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

**Closed Session #4** - At 8:45 PM Mr. Morrow moved, seconded by Ms. Hollingsworth, Council go into closed session to discuss a property acquisition matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the City Manager, Clerk, Project Director Josh Freeman and Interim Planning Director Daniel Cobb.

Council Returned to Regular Session - At 9:11 PM Council resumed the meeting into regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

**Adjourn** - There being no further business, Ms. Hollingsworth moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried. The meeting adjourned at 9:11 PM

  
Jimmy Harris  
Mayor

  
Desiree D. Perry, CMC, NCCMC  
City Clerk

Minutes Approved: January 19, 2016