

**MINUTES
BREVARD CITY COUNCIL
Work Session
November 3, 2014 – 5:30 PM**

The Brevard City Council met on Monday, November 3, 2014, starting at 5:00 p.m. with a light dinner. The scheduled work session started at 5:35 p.m. in City Council Chambers with Mayor Jimmy Harris presiding.

Present: Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Wes Dickson, Maurice Jones, Ann Hollingsworth and Charlie Landreth who joined the meeting at 5:40 p.m.

Staff: City Manager Joe Moore, City Attorney Michael Pratt, City Clerk Desiree Perry, Planning Director Josh Freeman, Assistant Director of Long Range Planning Daniel Cobb, Public Service Director David Lutz and Utility Director and City Engineer Jay Johnston, PE.

Others: Facilitator Angela P. Owen, TBL Leadership Partners

Press: Derek McKissock, Transylvania Times

A. Welcome - Mayor Harris called the meeting to order and welcomed those present to the regular scheduled work session.

B. Quorum – City Clerk certified a quorum present.

C. Agenda – Mayor Harris stated the City Attorney has requested two Resolutions related to the City's six-inch gravity sewer upgrade project be added to the Agenda for Council's consideration. Mr. Freeman suggested in light of Mr. Joe Minicozzi, Urban 3, LLC, scheduled presentation on December 1st, that the Comprehensive Plan-Land Use discussion be removed from the Agenda.

Mr. Jones moved, seconded by Mr. Morrow, the Agenda be amended to add the two Resolutions as New Business items, to remove the Comprehensive Plan-Land Use discussion and Item E Closed Session, and the Agenda be approved as amended. Motion carried unanimously.

D. New Business

D-1. Resolution No. 2014-27 A Resolution Designating A Hearing Officer To Hear Requests To Withdraw Low Bids Pursuant to G.S. 143-129.1

Mr. Pratt offered the Resolution is to designate a hearing officer; he recommended Council consider appointing the City Manager or his designee.

Mr. Morrow moved, seconded by Mr. Landreth, Council adopt Resolution No. 2014-27 and appoint the City Manager or his designee to serve as the Hearing Officer. Motion carried unanimously.

RESOLUTION NO. 2014-27

**A RESOLUTION DESIGNATING A HEARING OFFICER
TO HEAR REQUESTS TO WITHDRAW LOW BIDS
PURSUANT TO G.S. 143-129.1**

WHEREAS, under G.S. 143-129, certain contracts must be advertised for bid by the City, and must ordinarily be awarded to the low bidder;

WHEREAS, in accordance with G.S. 143-129.1, the low bidder may withdraw its bid but under certain circumstances, the low bidder must forfeit its bid deposit or bid bond;

WHEREAS, G.S. 143-129.1 lays out a procedure to be followed when a low bidder notifies the City that it intends to withdraw its bid, and requires that the City conduct a hearing to determine whether the bid deposit or bond should be returned to the low bidder or forfeited;

WHEREAS, City Council has determined that the most effective, fair and cost efficient manner of conducting the hearing required in such event is to designate the City Manager, or at the option of the City Manager, his designee, as the Hearing Officer to conduct any hearings required under G.S. 143-129.1.

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

Section 1. The City Manager, or at his option, the designee of the City Manager, is hereby authorized, appointed and designated to act in the capacity of Hearing Officer to conduct any hearing required under G.S. 143-129.1. Such Hearing Officer shall:

- (a) Set the date, time and place of such hearing, and notify the low bidder who seeks to withdraw its bid (or its attorney if it is known to be represented on the matter by an attorney), as well as the City Attorney and City Clerk, of such date, time and place;
- (b) Have the City Clerk swear in any witnesses prior to hearing their testimony;
- (c) Use the Rules of Evidence found in Chapter 8 of the General Statutes as a guide in connection with receiving matters into evidence at any such hearings; and
- (d) Receive the evidence presented, apply the law to that evidence, and enter an order consistent with Section 143-129.1 determining whether all or part of a bid deposit or bond should be returned to the low bidder which withdraws its bid, or whether all or part of a bid deposit or bond should be forfeited in such case; along with such other matters as are appropriate for hearing in connection therewith.

Section 2. Should the City Manager appoint a designee to act as Hearing Officer, such appointment and designation shall be in writing and shall be served by First Class Mail upon the bidder who seeks to withdraw its bid (or its attorney if it is known to be represented by an attorney).

Section 3. The City Manager may designate different individuals to act as Hearing Officers in connection with different hearings which may be required by different low bidders seeking to withdraw their bids.

Section 4. This Resolution shall apply to any pending notices or requests to withdraw bids, as well as to all future such notices or requests, unless or until amended, revoked or replaced by future Resolution of City Council.

Section 5. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 3rd day of November, 2014.

D-2. Resolution No. 2014-28 A Resolution Awarding Contract for the City Wide Six Inch Gravity Sewer Upgrade Project

Bids on the City Wide Six Inch Gravity Sewer Upgrade Project were taken on October 23, 2014, at 11:00 a.m., Brevard City Hall, publicly opened and read aloud. Three bids were submitted as follows; listed from lowest to highest:

L-J, Inc., Columbia, SC	\$1,048,944.04
Steepe Construction, Mill Spring, NC	\$2,039,525.00
Watson Contracting, Inc., Franklin, NC	\$2,254,614.00

Mr. Morrow moved, seconded by Mr. Dickson, Council adopt **Resolution No. 2014-28** awarding contract to L-J, Inc., of Columbia, South Carolina, for the bid price of \$1,048,944.04. Motion carried unanimously.

RESOLUTION NO. 2014-28

A RESOLUTION AWARDED CONTRACT FOR THE CITY WIDE SIX INCH GRAVITY SEWER UPGRADE PROJECT

WHEREAS, in accordance with G.S. 143-129, the City of Brevard received formal proposals for the City Wide Six Inch Gravity Sewer Upgrade Project at 11:00 A.M. on October 23, 2014;

WHEREAS, after receiving the Bid Tabulation from the bid opening for the proposed project, the Brevard City Council now desires to approve an award of contract.

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

Section 1. A contract for the City Wide Six Inch Gravity Sewer Upgrade Project is hereby awarded to L-J, Inc., of Columbia, South Carolina, for a bid price of \$1,048,944.04, as received at 11:00 A.M., October 23, 2014, in accordance with the City's bid documents for this project.

Section 2. The Mayor and City Clerk are hereby authorized and directed to execute contracts for this project on behalf of the City as set forth in Section 1 of this Resolution.

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

Adopted and approved this the 3rd day of November, 2014.

D-3. Review of October 6, 2014, Work Session

By consensus Council members agreed the Planning Department November 3, 2014, staff report is an accurate description and summary of Council's work session discussion and direction to staff. (On file, Agenda Packet)

D-4. Comprehensive Plan – Transportation

To facilitate the discussion, a large printout of the draft Transportation chapter was mounted upon the wall. Ms. Owen asked Council members to indicate by use of a red sticky-dot any item(s) they disagree with and/or desire to have removed; to use a yellow sticky-dot indicating they want to discuss the item; and, items without a dot placed indicates they are okay with the drafted text as presented and therefore the item(s) will not be discussed.

Policy Two Discussion:

1. Outcome 1. Needs to be more specific.
2. Transportation items, like the East and West Loop, need to be on a parallel track.
3. East Loop – Status? Have not heard much about it in quite some time.
4. Policy statement is too generic.
5. The unbalanced couplet is a temporary (15-20 year) transportation solution. It should be so noted in the Comp Plan it is a part of the bigger picture of how future transportation needs of Brevard will be met.
6. Need list of long-term projects.
7. Identity/indicate "big picture" challenges.
8. If the unbalanced couplet is a stop gap measure, what is it a stop gap for? That information should be included in the Comp Plan.
9. Implementation details need to be in the Transportation Plan, not the Comprehensive Plan.
10. Important to follow the Transportation Plan. There is a science and data used by traffic engineers and other professionals as a basis for the Plan recommendations.
11. Outcome 1, Policy 2. States "existing plans and policy documents". There are things the City values and these values (walkability, safe, paths into the forest, etc.) need to be accounted for in plans and policies.
12. TrA2 – Change to read, "Invest in infrastructure improvements to create safer environments for cyclists."

13. TrA6 – Commitment to process and collaboration with the County. However, it is the County’s Plan being described; City cannot implement County’s Plan and implementation is not achieving City’s goals.
14. TrA7 – Change to read, “Prohibit gated communities within new development....”
15. Outcome 2 - Multi-Modal Transportation
16. “Multi-Modal” means different things to different communities. If we are talking about bikes, let’s say “bikes/cycling”; if we are talking about shuttles to help get people to work, let’s say “shuttles”. Important to define what “multi-modal” (a transportation term) means to us.
17. Bike Lanes. At Retreat discussed bike lanes and value to add with the construction of roads. Is this the place to include it?
18. Want our transportation system to support our outdoor recreation and our connection to woods and water. Needs to support our strategies.
19. Connecting our amenities to the outside world is important; Bracken is an example.
20. Want people to have choices be it sidewalks, hike/bath paths, etc., that are both safe and functional.
21. Strengthening the City’s paths and plans will strengthen economic development; explain how we are going to execute.
22. TrA10 – Remove “downtown” from sentence.
23. Outcome 3 – Infrastructure
24. Policy 5 – Sentence not clear.
25. TrA15 – Based upon build out. Plan for 5mgd. We have determined we need 5 mgd; however, we have not decided how we are going to achieve it.
26. TrA19 – Assumptions built into 19 that are not on the table. Doesn’t believe the County has such a specific Plan or has identified needs at this time.
27. TrA17 & 19 – Combine.
28. TrA18 – Delete
29. Water and Wastewater. Separate issues and considerations are needed when considering extending either into the County; should be evaluated on a case by case basis.

~~ At 7:34 p.m. Mayor Harris called for a 10-minute break ~~

Comprehensive Plan - Economic Development

1. Questioned the need to include “personal / family savings and investment”. Remove.
2. EcA3 – Would like the newly established Tran Economic Partnership to review and offer comment.
3. City to be a support partner.
4. Desire to reframe context of background of economic development to highlight the strengths of the City.
5. Remove reference of anything along the lines of “*where we used to be with Olin*”. Embrace who we are, what we are, and what we have to offer.
6. Outcome to include a strong process for supporting development; cooperation with Tran Economic Partnership; and to maximize the connectivity to woods and water as an asset that promotes economic growth.
7. We (City) value our natural resources. We want development that utilize (without destroying) and who have a shared value of our natural resources of woods and water, and use that value to be a profitable business.
8. Outcome 1 is the theme of entire chapter; action statements should come from it.
9. Outcomes are very similar, saying the same thing. Consider combining.
10. Staff was asked to focus on outcome statements and to draft action steps.
11. Economic Group/Partners – Tran Economic Partnership. Be more generic as the name may change.
12. EcA2 – Is the City married to the NC Main Street Program, or, to the four pillars?
13. EcA2 and EcA3 – City supports expert services/resources (example: Main Street, Handmade in America)
14. EcA5, 6 & 7 – What is City doing directly to develop its own businesses?

- 15. EcA7 – Text to say “within the City” and not specify central business district.
- 16. EcA8 – Remove
- 17. EcA9 - Combine EcA9 and EcA10
- 18. EcA12 – Remove
- 19. EcA16 – Not necessary to specify “central business district”, just needs to say the City.
- 20. EcA17 – “Encourage expansion of hotel accommodations”, delete remainder of the sentence.
- 21. EcA18 – Is an infrastructure issue; relocate to previous chapter.
- 22. EcA19 – Remove.
- 23. EcA21 – Questioned the City’s ability to do so due to funding. After further discussion, decided to keep. While the City does not have the funds to establish a revolving fund; we have and will continue to have opportunities through grants and/or to assist partners in their obtaining grants.
- 24. EcA22, EcA23– Remove
- 25. EcA25 – Needs to be reworded.
- 26. EcA26 – Expand information technology capacity within Brevard and delete remainder of sentence.
- 27. EcA27 – Keep and expand. Interested in an expansion of wayfinding that is interactive. Kiosk? Bikers/Hikers guide?
 - a. If one doesn’t know to look at the “Heart of Brevard” they will not find information on the White Squirrel Festival.
 - b. TDA is working on that.
- 28. EcA28 – Delete it.
- 29. EcA29 and A30 – Keep
- 30. Outcome #3 – Remove it along with action items below it.

Easel Pad Notes – Planning staff members captured and noted upon easel pads Council comments and directions offered during the work session. (Exhibit A)

Work Session Scheduled - Ms. Hollingsworth moved, seconded by Mr. Landreth, Council hold a one-hour Work Session on Monday, November 17th, from 5:30 to 6:30 p.m., for review of the Comprehensive Plan “Cultural Resources Chapter”, as recommended by staff. Motion carried unanimously.

F. Adjourn – There being no further discussion, Mr. Landreth moved, seconded by Ms. Hollingsworth, the meeting be adjourned. Motion carried and the meeting adjourned at 9:27 p.m.

s/ _____
Jimmy Harris
Mayor

s/ _____
Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: December 15, 2014

EXHIBIT A

Minutes – Brevard City Council Work Session – November 3, 2014

Transportation Council Work Session

November 3, 2014

- Policy Two: concern that it's too generic
 - EX: unbalanced couplet → Caldwell/Broad
 - Flow chart, time frame etc., How it plays into overall, long-term plan
 - West Loop
 - Scope of projects, how each project works with overall comp. transportation plan
 - Include list of long-term projects and big-picture challenges
 - Refine transportation plan for specific projects
 - Include list of values to be used on planning future projects
 - Adhere to existing plans, list of goals for future
- TrA2 – remove reference to PF and downtown
- TrA6 – Trans Co comp plan → combine with TrA1 to process-oriented action
 - Maintain collaboration with County and planning process
- TrA7 – Prohibit gated communities
- Outcome 2 – multi-modal
 - More specific language than multi-modal → include bikes
 - Bike paths, bike lanes
 - Walking school buses
 - How do we want our transportation system to support our outdoor rec. and quality of life **strategic objective
 - Additional outcome including bike/ped plans and infrastructure to improve economic competitiveness and quality of life
 - TrA10 – remove “downtown”; bike racks in town
- Outcome 3 – infrastructure
 - Policy 5 – clarify to invest in existing/infill development
 - TrA15 – plan for 5mgd use, not necessarily 5 mgd production in-house
 - Ex: partner with other jurisdiction
 - Consider LU changes, ability to pay. 5 mgd may or may not be enough
 - Postpone until Dec 1 presentation and LU discussion
 - TrA17,19 – combine statements, shared plan for
 - TrA16 – re-evaluate need and if we are able to meet demand
 - TrA19 remove
 - TrA17 – evaluate need, maintain planning process

Economic Development Work Session Notes

November 3, 2014

- Remove language about struggles, problems, sob story
- Seek input from Trans. Co. Economic Development Board. TPED or whatever their name may be
- Partner with County/Boards to support economic development
- Explain what City does well and what we have to offer → good planning, etc.
- Focus chapter on narrower scope on what City has to offer
- Embrace geography

Potential Outcomes

- Portfolio of products
- Strong process for development
- Coop with ~~TPED~~ or current county ed organization; not so specific
- Promote woods/water/connectivity

Outcome 1

- *** Become theme for ED chapter

Outcome 2

- Encourage businesses to take advantage of City values (family, woods, etc.) for their profit
- Delete policy 5,6
- Policy 7 – become outcome 2
- Clean mfg
- Want to live here
- Encourage business to capitalize on City values for their profit

- EcA3 – explain why
- EcA2 & EcA3 – city supporting expert resources
- EcA5,6,7 – what does City do directly to develop its own business?
 - o Action steps tied to branding
- EcA7 – develop farmer's market
- EcA21 – is it possible to find funds to support this action item? → move to Partnership Outcome