

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, June 17, 2020, 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Maureen Copelof, Vice-Chair, Council Member
Jim Fatland, City Manager
Paul Ray, Planning Director
David Lutz, Public Works Director
Nancy DePippo, Citizen Member
Howie Granat, Citizen Member
Erik Emaus, Citizen Member
Ryan Olson, At-Large Member

Absent: None

Staff Present: Aaron Bland, Planning Department
Tom Whitlock, Assistant Finance Director
Denise Hodsdon, Executive Assistant

Guests: Torry Nergart, Conserving Carolina
Kevin Smith, Tannery Skate Park Task Force Member

A. Welcome & Call to Order

Committee Chair Mac Morrow welcomed all in attendance and called the meeting to order at 3:30 PM.

B. Certification of Quorum

Quorum was certified by Executive Assistant Denise Hodsdon.

C. Approval of Agenda

Motion by Ms. Copelof, seconded by Ms. DePippo to approve the agenda as presented.
Motion carried unanimously.

D. Approval of Minutes of December 18, 2019 Meeting

Motion by Ms. Copelof, seconded by Mr. Olson to approve the minutes of the December 18, 2019 meeting as presented. Motion carried unanimously.

E. E-Bike Discussion

Mr. Ray explained that Staff has been asked to consider the use of e-bikes on the City's greenway trail system and Bracken Preserve in order to enable people of all fitness levels and physical capabilities to enjoy cycling as a low impact outdoor activity. He explained that there are three different classes of e-bikes and provided information on each of those classes (copy of staff report attached). He said that Class I and Class III e-bikes are the only two that he would consider recommending to be on our trails. Class II e-bikes are much like a motorcycle or scooter in that they are fully motorized with a throttle and don't require any additional pedaling from the rider and therefore would not be allowed on our trails. Class I e-bikes have a top speed of 20 mph and Class III e-bikes have a top speed of 28 mph. Mr. Ray presented proposed modifications that could be made to the City's ordinance in order to allow Class I and Class III e-bikes on the City's greenway trail and asked for input from the Committee.

During discussion, it was noted that the Clean Water Management Trust easement for Bracken prohibits motorized vehicles and Pisgah National Forest does not currently allow e-bikes so it appears that e-bikes would not be allowed in Bracken. Mr. Granat suggested that we need to put up signage at the parking lot and trailheads making it clear that e-bikes are not allowed on Bracken.

Mr. Ray said the City Attorney has advised that if our definition of Class I and Class III e-bikes specifies that these are not considered motorized vehicles, then that would allow them to be used on our greenway. Mr. Olsen pointed out that the Estatoe Trail goes into Pisgah National Forest and thought the City should consider signage alerting riders that e-bikes are prohibited in the forest. There was consensus to allow Class I and Class III e-bikes on the greenway as set forth in staff's recommended proposed modifications to the City's ordinance.

F. Updates on Projects

- 1. Dog Park:** Mr. Fatland reported that the property has now been deeded to the City and we are ready to proceed with cleanup of the site. A citizens' committee has been formed and will be raising funds for amenities for the park. Ms. Copelof volunteered to be the City Council's representative on the Dog Park Committee.
- 2. Tannery Skate Park:** Mr. Ray reported that the punch list has been successfully completed and passed final inspection with NC League of Municipalities. We are waiting on the monument sign, which is due to be finished next week. Mr. Fatland said once the sign is in place, we can officially open, but due to COVID-19 it will be limited to 25 people and social distancing will be encouraged.
- 3. Sports Complex Concrete Skate Park:** Mr. Ray reported that to help offset costs, the Public Works Department has built the foundation for the new feature. Artisan Skateparks will be here in July to begin construction and their typical timeframe is ten weeks, depending on weather. The Brevard Music Center has generously

offered free housing to the construction crew, which will further help to offset costs and we hope to be able to get some extra features for the amount we have budgeted.

4. **Silversteen Memorial Park – MCJCC Task Force:** Mr. Fatland reported that at its last meeting, the Mary C. Jenkins Community Center Task Force had a discussion regarding playground equipment. They will continue to review options and make a recommendation. Mr. Fatland noted that we currently have a hold on capital expenditures, but we will look at the possibility of grant funding. He said Lowe’s has offered to donate labor to put the equipment together. The City has retained Summit Engineering to work on a grant application for funding to clean up the stream along that area.
5. **Depot Railroad Avenue Park:** Mr. Fatland reported that due to COVID-19, we had to move our Depot dedication ceremony from July 4th to September 5th in conjunction with the Rotary Club’s 5K race. Ms. Copelof reported that the Transylvania Garden Club has worked with the North Carolina Arboretum and have designed a native plant garden. She said several members of this committee came out to volunteer their time in planting the first two sections of the garden. Mr. Fatland added that the bike racks and service station have been installed. The Public Works Department is in the process of connecting the trail from the Depot site to McLean Road. There was discussion about the need for some sort of signage on McLean Road to alert motorists about the upcoming bike path crossing.
6. **Estatoe Trail**
 - a. **BUILD Grant 2020:** The BUILD Grant application includes \$4.6M for the Estatoe Trail, including a tunnel under Asheville Highway.
 - b. **PARTF Grant Award for Easements:** We received a \$180,000 PARTF grant to acquire easements, so our goal is to get all the easements acquired to complete the trail to Brevard High School.
 - c. **Pisgah Health Foundation Grant Award:** We have received a \$240,000 grant from Pisgah Health Foundation to extend the trail from West Main Street to the Mary C. Jenkins Community Center and Silversteen Park. We are in the process of getting all the easements from West Main Street to the MCJCC property to connect the Rosenwald Community with Downtown. Mr. Granat suggested that we consider painting sharrows on the streets through the Rosenwald Community until we are able to complete that section of the trail.

Mr. Fatland said George Lentz has asked that the City hold off on the connecting of West Main Street to Probart Street until he has completed the last of the nine homes he is building between the two streets. We have acquired all of the easements for the leg from Probart Street to the Depot, but we need to identify funding for that stretch.

G. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee will be on Wednesday, July 22, 2020 at 3:30 PM.

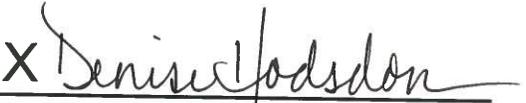
H. Adjourn

There being no further business, the meeting was adjourned at 4:48 pm.

X 

Mac Morrow,
Chair, Council Member

Minutes Approved: July 22, 2020

X 

Denise Hodsdon
Executive Assistant

STAFF REPORT

Parks & Trails Committee, ~~March 18, 2020~~ **Canceled**

Title: E-Bikes - Overview

Speaker: Paul C. Ray, CZO, Planning Director

From: Paul Ray, CZO, Planning Director

Prepared by: Paul Ray, CZO, Planning Director

Approved by: Jim Fatland, City Manager

Introduction

Staff has been asked to consider the use of electric bikes (e-bikes) on the City's greenway trail system and Bracken Preserve. The thought behind this request is to enable people of all fitness levels and physical capabilities to enjoy cycling as a low impact, outdoor activity. It is the responsibility of Staff to bring forward modifications our ordinance, as needed, to ensure safety and accommodate a wide range of citizenry while keeping pace with changing technology. Admittedly, Staff had reservations at the start of this research based on preconceived notions about e-bikes and lack of understanding about their mechanics, but has gradually formed an education opinion that class 1 and possibly class 3 e-bikes are appropriate on our trail system while class 2 e-bikes are not.

Background

A representative from a local bicycle shop, Sycamore Cycles, addressed City Council last year at one of their meetings during public comments. The basic premise of the request was to allow e-bikes on the City's greenway trail to accommodate a wider range of users, especially those with physical limitations or improving fitness levels who are a predominant segment of clientele purchasing e-bikes. Class I and III e-bikes offer riders muscle enriching exercise by demanding the same peddling motion as a conventional bike but with less exertion due to power assistance. E-bikes come in several shapes and sizes with the frame materials made from carbon fiber or aluminum alloy. The weight of these bicycles currently range from 25 pounds to 48 pounds depending on the material and style of the bicycle. Advances in battery technology and frame material have made them more comparable in weight to conventional bicycles. For the purpose of this discussion, the main categorization to consider is Class I, II, or III as described:

Class 1: Pedal Assist / Pedelec

The most common type of e-bike is the pedal assist or "pedelec." The rider pedals the bike normally while a motor provides assistance, gently increasing the power transmitted to the rear wheel with every revolution. The pedaling takes less effort than it normally would, which gives

most people longer durations of exercise and the ability to climb over steep hills before exhaustion sets in. The settings can be adjusted for the amount of assistance the rider needs, but to be considered a Class 1 e-bike the system cannot provide assistance over 20 mph. It is important to understand that when the peddling discontinues so does the power assistance, causing the Class 1 e-bike to behave exactly like a conventional bicycle in that regard.

Class 2: Throttle

Much like a motorcycle or scooter, a throttle operated e-bike propels the bike forward without any additional pedaling from the rider. Most can provide a variable amount of power depending how far the throttle is pushed. These are much less common than their pedal assist counterparts and behave more like an electric motor scooter than a bicycle. Some of the major bicycle brands, like Specialized, do not even make a Class II e-bike.

Class 3: Pedelec

The design of this e-bike is basically the same as a Class I, but it offers a higher top speed of up to 28 mph before it stops offering pedal assistance. These e-bikes are commonly used in commuting and are seen traveling in bike lanes along city streets because of their greater capacity for assisting riders to keep up with moving traffic. As with Class I e-bikes, continuous peddling is still required to move the bike forward, but with less exertion than a standard bicycle allowing the rider to exercise longer and traverse over steep inclines.

Summary

The following modifications to the City's ordinance could be proposed to City Council:

DEFINITIONS

- **Motor/Motorized vehicle:** All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.
- **Motorized travel:** All modes of travel or transport upon a motorized vehicle as defined in this chapter over land or water by self-propulsion.
- **E-bikes class I and III:** Pedal-assist only bicycles, with no throttle and no self-propulsion, which are not categorized as a motor/motorized vehicle as defined in this chapter.
- **E-bikes class II:** Throttle-assisted e-bikes, characterized by self-propulsion, which are considered motor/motorized vehicles as defined in this chapter.

CITABLE OFFENSES

- **Multi-path conduct:** Any behavior or activity on the greenway trail or multi path trail deemed by a police officer to be unsafe, based on high speed of travel or the

manner in which a bicyclist or pedestrian or users operates their equipment, showing disregard for personal safety or the safety of others, is punishable by a one-hundred (100) dollar fine.

- **Maximum speed on multipath:** The maximum speed for any mode of travel, pedestrian or bicyclist, on the City of Brevard's greenway or multi-path trail system is 15 mph. Violators are subject to receiving a fine of one-hundred (100) dollars.
- **Motorized vehicles prohibited on trails:** No motor/motorized vehicle, as defined in this chapter, is allowed on any City of Brevard's greenway or multi-path trail system. For the purpose of this section a motorized vehicle includes, but is not limited to, a bicycle or scooter or any other mechanical object which is self-propelled and capable of transporting a rider, except motorized wheelchairs for people who are medically dependent on them for travel.

Conclusion

After consulting with the City's attorney, Staff believes the aforementioned changes could be made to the City's ordinance to allow Class I and Class III e-bikes on the City's greenway trail. Excessive speed or dangerous behavior on a conventional bicycle, skateboard or e-bike should be viewed the same and evenly enforced. Class II e-bikes meet the definition of a motor vehicle as do electric scooters and other modes of transportation where human power is not required to propel forward and they should not be allowed on the trails.

Specialized, Como 46.5 lbs. top speed 20 mph (Class I)



Specialized, Levo 38.8 lbs. top speed 20 mph (Class I)



Specialized, Creo 26.2 lbs. top speed 28 mph (Class III)

