

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, June 24, 2020 – 1:00 PM

City Hall Council Chambers

Members Present: Maureen Copelof, Chair, Council Member
Gary Daniel, Vice Chair, Council Member (Arrived at 1:24)
Jim Fatland, City Manager
Paul Ray, Planning Director
Nicole Bentley, Heart of Brevard
Melanie Spreen, Heart of Brevard Representative
Dee Dee Perkins, Citizen Member
Susan Threlkel, Council Appointed At-Large Member

Members Absent: None

Staff Present: Denise Hodsdon, Executive Assistant
Leigh Huffman, Planning Department

Guests: Billy Parrish, President of Heart of Brevard

A. Welcome & Call to Order

Committee Chair Maureen Copelof welcomed everyone and called the meeting to order at 1:04 PM.

B. Certification of Quorum

Quorum was certified by Executive Assistant Denise Hodsdon.

C. Approval of Agenda

Motion by Ms. Threlkel, seconded by Ms. Spreen to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes from May 27, 2020 Meeting

Motion by Ms. Perkins, seconded by Ms. Spreen to approve the minutes of the May 27, 2020 meeting as presented. The motion carried unanimously.

E. Streetscape Pilot Implementation Plan

Ms. Copelof reported that she had briefed City Council at its meeting on June 15th as to where we were in terms of why we had stopped putting the fencing in and that we had come up with a new approach to put parklets in front of three of our downtown businesses. She shared the conceptual drawing of the parklet and City Council was supportive of that concept. The partnership met last week to determine what we would need to do to go from concept to implementation and as we looked at it we started seeing a lot of questions that we needed to deal with before we could deploy anything out there on the street. She said we looked at it from a process standpoint, a design standpoint, a cost standpoint, and a schedule standpoint and every one of those had some very critical questions that we needed to deal with. The most critical being the process questions...how do we get the process in place and assure that we are being equitable to all of our businesses? How do we make key decisions such as when do we terminate it? What if everybody decided they wanted one; could we roll it out across all of downtown; did we have the funding to roll it out across all of downtown and if not, how would we prioritize who actually would get one? At last week's meeting, we realized that while the parklet concept had a lot of potential, we were not ready to deploy this as a quick short-term solution to COVID.

Ms. Copelof said the partnership then went back and looked at what we could do that was quick, inexpensive and would really help our downtown businesses. We decided to concentrate on making sure the businesses understood how they can utilize the outdoor space that already existed around their business. That included making sure that they were aware of what the regulations and ordinances already said, what the alcohol rules were in terms of serving alcohol, making sure that this was clarified and helping them realize just what potential might be there. She said the Heart of Brevard has been running lead on that.

Nicole Bentley said we have been working on a number of possibilities, but focusing on the sidewalk extension as that is already in place without any type of barricade to partition off the parking spaces. The resolution covers that. She said we met with Chief Harris to make sure that all of our assumptions about alcohol and the way that businesses can serve alcohol are accurate, and they were. However, the one thing we learned from the Chief is that if we were to have a parklet or any type of seating in the parking spaces, alcohol cannot be served in the parking space area under the current resolution and regulations because it is a DOT maintained highway. She said with that information it makes the most sense to focus on the sidewalk extension and how businesses can really make the best use of that space. As long as there is a contiguous wall they can serve alcohol there with proper signage and barricades or partitions. That does include the utility strip so a business can serve against the façade of their building, leave the 4 feet for ADA travel and then use the utility strip, and can serve alcohol there, as long as it is in front of their building with proper partitioning and signage. She said we do have a good number of businesses that are utilizing that, but I think it is important that we put that message out there.

Mr. Ray wondered if we were to ever permanently extend bump outs mid-block in the right-of-way, would we be allowed to serve alcohol there? That would need to be verified with DOT.

Ms. Copelof said the team decided last week to roll the parklet idea into our normal process through the Downtown Master Plan Committee and that we should look at it in terms of the review of our entire Downtown Master Plan, which needs to be reviewed and updated. Our emphasis now is on how we can maximize the use of the outside space by businesses and what the City can do with the City-owned spaces.

Ms. Copelof said at last week's meeting, we talked about how businesses are using their curbside parking areas. Heart of Brevard offered to do a survey to find out just how much of that was being used. Ms. Bentley reported that they have not heard from every business owner, but just from calling or stopping by most people are still very interested in having some type of curbside option, although most of them said that they use it maybe two or three times a day and the heaviest time period is at lunch. There are some businesses that are not using curbside but are using cones to block the parking space so that they can extend out to the utility strip and have a safe and comfortable experience for diners. Ms. Perkins said that is what her business is doing and if they were not able to do that it would probably eliminate outside dining for them other than two tables. She added that for her it is truly a public safety element and she would not put a table in the brick strip unless the parking spaces are blocked off.

Ms. Bentley said regardless if we advance to Phase 3 or Phase 2.5 and if the Governor does choose to allow us to go to 100% capacity inside, I do not think that the consumer is ready for that and outside dining will be vital for businesses. As we continue our research, we are trying to figure out alternatives for outside dining, whether alcohol is a factor or not...maybe it's more public spaces. She said something we need to consider as we go forward is what does DOT truly require in the parking space in terms of a safety barrier? Can we do planters and some more temporary partitions that the businesses would put out in the morning and then be responsible for bringing it in at the end of business. For example, instead of these orange cones, could we partition off the area so it's clear that you can't park there and it gives the businesses more space in general?

Mr. Ray said there is a permitting process through DOT that is regulated under State law for closing off the parking spaces to use for dining. He has talked to them several times and they are very receptive to that idea. They have confirmed that we can close off parking spaces for dining and merchandise, but we don't know what type of physical barriers we need to provide or allow. He believes that we would need an application and a very rudimentary site plan per business and DOT would push it along pretty quickly for us when needed. Mr. Ray will contact DOT to get clarification on what types of barriers can be used and the guidelines for such. Mr. Ray added that his hunch is that the permitting will be between the City and the State and not between the business owner and the State. I think only the City can close those parking spaces so we'll be

requiring the site plan and all the information from the businesses; and then we will provide it to DOT and that agreement will be between us and them.

Ms. Perkins said each restaurant is unique and different in what they are dealing with. Some will need it and some will not if they have already been accommodated for with adjacent public outside dining spaces. Ms. Bentley agreed that there needs to be some type of parameters based on true need and other opportunities to utilize outside space or not. If we could define the parameters and who truly qualifies for this, then that helps us regulate the number of parking spaces that are eliminated. There was discussion about the need to clearly define and communicate the criteria as to whether a business would qualify. Mr. Daniel asked by what authority do you regulate it and does this require some sort of ordinance that lays out the qualifications? Ms. Copelof said once we have clarification from DOT, then we will continue to look at defining the criteria as to where this could be allowed, whether or not that has to be in an ordinance or what. We need to define that very clearly to merchants in writing of some type.

There was discussion about where to place the new curbside parking signs. Ms. Copelof noted that the Heart of Brevard is going to get with the businesses to figure out where to deploy them. Billy Parrish said the Heart of Brevard will get on the ground data, information and research and bring a recommendation back to this committee. Ms. Bentley said their recommendation would most likely be one per block where needed, where currently being used and then getting some consensus from those businesses to say where it is going to go based on availability of the block in terms of other 10 or 15-minute parking spaces, handicap parking, location of fire hydrants, and those sort of considerations. Billy Parrish said curbside service will have to be fair and equitable and pointed out that this is the City's use to allocate...this is public space and people can't lay claim to it. He noted that there are some that have compelling reasons for what they need, but we need to create a process for that to be heard. It is not who wants a space; it has to be the right set of choices for each block. Because this is going to take a couple of weeks, Ms. Perkins recommended that we communicate to everyone downtown that this is being evaluated and that it is coming. Ms. Copelof said she will be updating City Council on Monday and she will tell them that we are evaluating it and looking at criteria as to how to establish this so it is done equitably across the board.

Mr. Ray noted that the last time we met we talked a lot about filling our toolbox...what tools we could make available to the community and pumping that information out there. He reported that Leigh Huffman has worked extensively on that and has a document that is just about ready. He explained that this is a roadmap of what you can do already without a permit and what the permitting process looks like when you do need a permit for extending into the sidewalk. Ms. Huffman explained that this is completely based off the idea of what can we do within the City's current ordinances in allowing people to use any space outside. She shared a draft of the toolkit with the committee and noted it includes what is allowed in our code without a permit and what would require a permit. If a permit would be required it would be called a COVID-19 Use Permit and there would be no application fee. Per our ordinance the permit would be for no more than 90-days, but businesses would be allowed to renew their permit for

the duration of the State of Emergency. The application would also be sent to the Police and Fire Departments for their review and approval before issuing the permit. Turnaround would hopefully be within one to two days. The next steps will be for the Mayor, the City Manager and the Fire and Police Departments to review the toolkit and then bring the final version back to this committee to help get the message out to businesses.

F. Proposal to Finance the Purchase of Real Property at Intersection of East Probart Street, North Broad Street and East Applegate Street

Ms. Copelof explained that this proposed purchase was announced at the May City Council meeting. The City Council held a public hearing at the June 15th meeting and will vote on it at the June 29th meeting. She said she wanted to discuss it here for two reasons: 1) to get a feel from this group about whether this is a strategic piece of property that we as a city need to purchase so we can ensure that the use of this property enhances our downtown; and 2) how do we finance this?

During discussion, it was noted that there is limited developable property in downtown and that this property is a key part of the entry into downtown. Committee members felt it was important for the City to own this property in order to maintain control of how it will be developed, but several members expressed concern about funding the annual debt payment for the loan out of the Downtown Master Plan Fund. Given that we have submitted our application for a BUILD Grant and, if awarded, our local match would be \$4,000,000, the Committee felt it was important that the 2-cent tax appropriation to the Downtown Master Plan Fund remain committed to the local match requirement. Following further discussion, Ms. Threlkel made a motion, seconded by Mr. Fatland, that the Downtown Master Plan Committee support the purchase of the property, however the Committee would like to see the two cent tax rate protected for the BUILD Grant and streetscape improvements and that neither the Downtown Master Plan fund balance nor the two cent tax rate be pledged toward debt service repayment. The motion carried unanimously.

G. Update on Focus 2020 Review

Discussion of this item was postponed until the next meeting.

H. Downtown Parking

This item was postponed until the next meeting.

I. Set Date for Next Meeting

The Committee has decided to add a second monthly meeting to its schedule. The Committee will now hold regular meetings on the second and fourth Thursdays of each month at 2:00 pm. The next meeting of the Council Downtown Master Plan Committee will be on Thursday, July 9, 2020 at 2:00 PM.

J. Adjourn

There being no further business, the meeting was adjourned at 3:06 PM.

X Maureen Copelof
Maureen Copelof
Chair, Council Member

Minutes Approved - July 9, 2020

X Denise Hodsdon
Denise Hodsdon
Executive Assistant