MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, March 18, 2025 – 4:00pm
City Hall Council Chambers

Members Present:	Gary Daniel, Chair, Council Member Billy Parrish, Heart of Brevard Representative Nicole Bentley, Executive Director, Heart of Brevard Parker Platt, At-Large Member Mayor Maureen Copelof, Ex-Officio
Members Absent:	Pamela Holder, Council Member Lee McMinn, Citizen Member
Staff Present:	Mack McKeller, City Attorney Paul Ray, Planning Director Emily Brewer, Senior Planner Selena Coffey, Assistant to the City Manager
Media:	Dave Bradley, Transylvania Times

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:00pm.

B. Certification of Quorum

A quorum was certified by Assistant to the City Manager Selena Coffey.

C. Approval of Agenda

Ms. Bentley made a motion to approve the agenda with the addition of a discussion of a mural to the agenda, and the motion was seconded by Mr. Parrish. The motion was approved unanimously.

D. Approval of Minutes

Ms. Bentley motioned, seconded by Mr. Platt to approve the minutes of the February 12, 2025 meeting. The motion carried unanimously.

E. Downtown Business Sidewalk Discussion – Follow-up with City Attorney

Mr. Ray introduced the topic, stating that at the last meeting the committee asked the city attorney to attend to answer questions about sidewalk usage downtown, including the unpermitted newspaper advertising boxes and special legislation on how the city should address these. Mr. McKeller stated that these unpermitted boxes are viewed as obstructions and restrictions may be placed on them. Further, he noted that these boxes are constitutionally permitted to be removed from the sidewalk and that he would recommend that they be removed. Ms. Bentley shared that she had spoken with other municipalities that had a designated space for these boxes as opposed to distributed on sidewalks throughout downtown. Mr. McKeller stated that this could be authorized.

After extensive discussion, committee members reached consensus that they preferred allowing these permitted advertising/newspaper boxes in one designated location as opposed to distributed along the city's sidewalks. They agreed that an alley would be an appropriate area for this location for permitted boxes. Mr. Daniel asked that staff determine the designated location where these permitted boxes may be co-located.

Mr. Ray raised another issue that Mr. McKeller may address, regarding including the existing butterfly bench and white squirrel structure on sidewalks downtown. Ms. Brewer presented a hard copy list of structures on downtown sidewalks denoting whether the structures are allowed and permitted.

Sidewalk Usage Permit Tracker (as of March 4, 2025)

Business	Business Address	Type of Usage	Notes
Blind Mule	14 S Gaston	Sidewalk Usage	Signed updated encroachment agreement to comply with new regulations
Sully's Steamers	33 E Main St	Sidewalk Dining w/ Alcohol	Need to ask if they want to amend insurance requirements
Falls Landing Restaurant	18 E Main St	Sidewalk Dining w/ Alcohol	Need to ask if they want to amend insurance requirements Also must remove green chairs from bricked area
Smokey Sunrise	30 W Main St	Sidewalk Dining	Need to ask if they want to amend insurance requirements Also need to follow up with them about the rooster - not allowed in bricked area
El Jarocho	55 E Main St	Sidewalk Dining w/ Alcohol	Need to ask if they want to amend insurance requirements
OP Taylor's	17 W Main St	Sidewalk Usage	
Lucy Clark Gallery & Studio	51 W Main St	Sidewalk Usage	
Rocky's Grill	48 S Broad St	Sidewalk Dining	
White Squirrel Shoppe	6 W Main St	Sidewalk Usage	Permit for merchandise next to building only. White Squirrel in bricked area not allowed
ACE Hardware	87 W Main St	Needs Permit	Merchandise outside 3/4
Blue Ridge Bakery	86 W Main St	Needs Permit	Planters outside 3/4
Mantiques	68 W Main St	Needs Permit	Benches outside 3/4
Sandra Purcell & Associates	96 W Main St	Needs Permit	Chairs and planters outside 3/4
Kilwin's	52 W Main St	Needs Permit	Bench outside 3/4
Hunters & Gatherers	40 W Main St	Needs Permit	Merchandise outside 3/4
Lilly T's	14 W Main St	Needs Permit	Planters outside 3/4
Earth Mountain Bicycle	66 E Main St	Needs Permit	Planters outside 3/4
DD Bullwinkel's	60 E Main St	Needs Permit	Merchandise outside 3/4; also unpermitted signage on sidewalk
Red Wolf Gallery	8 E Main St	Needs Permit	Planters outside 3/4
Beverly Hanks	6 E Main St	Needs Permit	Planters outside 3/4
Quixote	43 S Broad St	Needs Permit	Planters outside 3/4 - unclear if they are Quixote's or property owners
Penny Lane Exchange	32 S Broad St	Needs Permit	Planters outside 3/4
H. Scott & Associates	29 W Jordan St	Needs Permit	Planters outside 3/4; also unpermitted A-frame sign
Mommy & Me Resale	30 N Caldwell St	[illegible]	Tiny chairs outside 3/4 - not enough clearance
RE/MAX	77 E Main St	NOT ALLOWED	Are condo boxes theirs? Cannot place anything on sidewalk - not enough clearance
Rocky's Corner Market	48 S Broad St	[illegible]	Telephone booth 3/4 - not allowed in brick area
Local Color	36 S Broad St	NOT ALLOWED	Objects placed in bricked area and in tree stump 3/4 - not allowed
Gravy	17 W Main St	[illegible]	Butterfly bench 3/4 - in the bricked area not allowed
Jordan Street Café	48 W Jordan St	[illegible]	Bench and planters outside 3/4 - not enough clearance
Ginger M Salon & Spa	32 W Jordan St	[illegible]	Planters outside 3/4 - not enough clearance

Ms. Brewer noted that staff would like input from the committee to determine which structures from the above list may be permitted. Mr. McKeller recommended against

permitting this due to these obstructions, increasing the likelihood of the city being liable for potential injuries caused by the obstructions. Ms. Copelof noted that some of these structures, such as the large white squirrel, the butterfly bench, the phone booth at Rocky's, etc., could be permitted in the city's brick areas as opposed to the sidewalk. There were also discussions about potentially securing these types of structures to improve safety. The committee continued with extensive discussion of structures on sidewalks that some consider iconic to the city. Mr. Ray stated that he felt that the committee had provided helpful consensus and input for staff to present potential code changes to the city council. Mr. McKeller stated that the city could use an encroachment agreement whereby downtown shops could get an agreement to leave structures in the city's bricked paver areas downtown, but his recommendation would be to require the structure owners to provide insurance for the structures and the agreements would need to be approved by the city. After much discussion, the committee reached a consensus to table this discussion regarding the brick paver areas for later follow-up.

F. Times Arcade Alley Follow-up

Mr. Ray introduced the topic to provide an update on the work completed at Times Arcade Alley, stating that the work was almost complete. He shared that landscaping had been completed recently, using large trees and flowers. Mr. Ray noted that work still needs to be completed on the Jordan Street side after receiving a recommendation on the stop bar placement, pricing a 6-foot guardrail, moving signs and poles. He also shared that parking brackets on Jordan Street need to be painted and a determination made as to potentially shrinking the size of the loading zone on Jordan Street, thus giving more spaces for car parking. Mr. Ray is planning on bringing a striping plan to the next committee to make the determination in this regard. There was brief discussion of the handicapped spaces, as well as additional paving and it was agreed that City Manager Hooper will be able to answer the committee's questions about additional paving.

Mr. Platt stated that he had heard that the alley repairs were paid with Downtown Master Plan funds and was curious if that was true and why the professionals who completed these repairs were not responsible for incurring these costs. Mr. McKeller advised that he is currently reviewing the external designer's contract and change orders to determine if the city should have some of its expenditures refunded. Mr. Paul noted that the concrete contractors had made repairs to their work at no additional cost to the city. The committee continued discussion on this topic and staff will continue to update the committee monthly until the project is complete.

Committee member representatives from Heart of Brevard requested that the city manager make sure that the committee is kept up to date on how the funds designated for the Downtown Master Plan are used in the future.

G. Update on Status of NCDOT Relinquishing Main Street to the City

Mr. Ray shared with the committee that NCDOT has received the city's request regarding the relinquishing of Main Street to the city and will be in contact with the city

after review of the request. Staff will continue to keep the committee up to date on this topic.

H. Discussion of Window Mural at 123 Water Oak Suites

Ms. Bentley inquired as to whether a mural at 123 Water Oak Suites had been approved through the city's public art policy. She stated that several of the businesses in this building expressed their dissatisfaction of the mural due to its size and appearance. The committee discussed other murals downtown. Mr. Ray noted that the city exempts window graphics from the city sign ordinances, which includes murals. Mr. McKeller read the specific ordinance references for the committee. Mr. Ray noted that city regulations would need to be revised if city council decided to begin regulating window murals. Ms. Bentley stated that she would speak with those who had complained about the mural and share with them the city's regulations.

I. Public Comment

Doug Miller, business owner on Jordan Street, provided input on the striping of the street as discussed earlier in the meeting and asked that the committee address vehicular traffic going the wrong way on Jordan Street. He urged the committee and the city to not give special permission to private businesses advertising on city property (referencing the advertising boxes on sidewalks discussed by the committee earlier in the meeting). He shared that the parking pay machine off Jordan Street isn't operable currently.

Mr. Parrish asked about the status of the downtown parking study. Mr. Daniel responded that it will likely be included in the next fiscal year budget, which will be implemented July 1, 2025. It was noted that some of the previously budgeted funds had been used for parking infrastructure at the Fairhaven Meadows project. Mr. McKeller reminded the committee that there was no restriction on the use of the funds.

Mr. Daniel thanked Mr. Parrish for his service on the committee. Ms. Bentley noted that the Heart of Brevard will be selecting a new representative to replace Mr. Parrish on the Downtown Master Plan Committee at its next meeting.

J. Set Date for Next Meeting

The next meeting of the Downtown Master Plan Committee was scheduled for Wednesday, April 9, 2025 at 4:00pm.

K. Adjourn

Ms. Bentley made a motion to adjourn, which was seconded by Mr. Platt. All voted in favor. The meeting adjourned at 5:08pm.

Minutes Approved: April 9, 2025

X _____
Gary Daniel, Committee Chair or
Pamela Holder, Committee Vice Chair

X _____
Selena D. Coffey
Assistant to the City Manager