

**RESOLUTION 2020-12  
A RESOLUTION AUTHORIZING A SPECIAL EVENT  
DESIGNED TO HELP DOWNTOWN BUSINESSES  
RE-OPENING WHEN ALLOWED BY  
THE GOVERNOR S ORDER**

**WHEREAS**, as a result of social distancing restrictions placed into effect by the Governor as safety measures in response to the Novel Corona Virus pandemic, many restaurants and stores were forced to close or operate on a limited basis with no in-building dining in restaurants and no customers allowed in stores, or with very few customers allowed into stores;

**WHEREAS**, City Council is aware of the hardship caused by business closures, employee layoffs, and the financial crisis which has occurred and is occurring even now, and is empathic with those suffering from such hardship, including financial hardship;

**WHEREAS**, City Council desires to offer a unique business incentive to downtown businesses in the form of a Special Event as stated below at such time as the Governor s Order allows either or both in-building dining and in-building shopping, to encourage patrons of downtown restaurants and stores to support these downtown businesses;

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

I. Subject to the provisions of Section 6, at such time as stores are allowed by the Governor s Order to re-open and to allow customers inside their buildings (the Re-opening Date):

A. Parking spaces on Main Street on the block immediately west and on the block immediately east of Broad Street, opposite the sidewalk from such stores, shall be closed to vehicular traffic and parking.

B. Those parking spaces may be used by pedestrians, subject to the one half of the width of each parking space closest to the curb being used by the stores directly opposite the sidewalk from such parking spaces, for displays and commercial uses consistent with the stores operations, opposite the sidewalk from such parking spaces.

C. Notwithstanding the allowance for stores to use one half of the width of such parking spaces as described in Subsection B, the individual stores shall:

**1.** Leave open sufficient passage either on the street side of each parking space, or on the building side of each sidewalk, to allow handicapped travel in compliance with the Americans with Disabilities Act (ADA), and such passage shall connect to the passage adjoining on both the east and west sides;

**2.** Clearly mark the curb by a means approved by the City Manager so as to mitigate a danger of tripping or falling between street and curb; and

**3.** Place appropriate ramps at the curb so as to comply with the provisions of the ADA.

**II.** Subject to the provisions of Section 6, at such time as restaurants are allowed by the Governor's Order to re-open and to allow diners inside their buildings (the Re-opening Date):

**A.** Parking spaces on Main Street on the block immediately west and on the block immediately east of Broad street, opposite the sidewalk from such restaurants, shall be closed to vehicular traffic and parking.

**B.** Those parking spaces may be used by pedestrians, subject to the one half of the width of each parking space closest to the curb being used by the restaurants directly opposite the sidewalk from such parking spaces, for dining and commercial uses consistent with the restaurants' operations, opposite the sidewalk from such parking spaces.

**C.** Restaurants with licenses to serve alcoholic beverages are hereby authorized to transport, through wait staff, such beverages between the entrance/exit of the individual restaurant and the outdoor dining space on the sidewalk and closed parking space immediately in front of such restaurant, to diners who have placed orders for the same.

**D.** Notwithstanding the allowance for restaurants to use one half of the width of such parking spaces as described in Subsection B, the individual restaurants shall:

**1.** Leave open sufficient passage either on the street side of each parking space, or on the building side of each sidewalk, to allow handicapped travel in compliance with the Americans with Disabilities Act (ADA), and such passage shall connect to the passage adjoining on both the east and west sides;

2. Clearly mark the curb by a means approved by the City Manager so as to mitigate a danger of tripping or falling between street and curb; and

3. Place appropriate ramps at the curb so as to comply with the provisions of the ADA.

E. Restaurants serving alcohol during the Special Events authorized by this Resolution shall:

1. Rope, fence or block off the outside dining area in which alcohol is to be served, at all times, and

2. Fully comply with all provisions of the North Carolina Alcohol Beverage Control Laws.

III. Owners of businesses who do not want the parking spaces in front of their places of business closed per this Resolution, or the Heart of Brevard on behalf of such businesses, shall have the right to petition the City to keep the parking spaces in front of such individual business open. The decision to grant or deny such petition shall be made by the City Manager, taking into consideration the need for parking at that site and the public safety.

IV. Upon request by the Heart of Brevard,

A. presented on a time frame that allows the City Police Department, the City Planning Department and the North Carolina Department of Transportation, in such agencies' discretions, to implement necessary steps regarding public safety with regard to such request, which time frame may be shorter than the time frame contemplated in the City Ordinance,

B. the City shall close these two City blocks to vehicular traffic, for Special Events of celebration which are intended to be beneficial to downtown stores and restaurants, on Friday and Saturday evenings during hours specified in the approval of such requests.

V. During such Special Events, as well as during the period when stores and/or restaurants make use of closed parking spaces as described herein, all such stores and/or restaurants shall comply with all social distancing requirements specified in the Governor's

Order then in effect. Customers and diners shall also comply therewith. Failure to do so may result in:

**A.** An order from the Chief of Police or his designee that the store or restaurant shall no longer be allowed to use the sidewalk or parking spaces for its business purposes consistent with this resolution; or

**B.** An order from the Chief of Police or his designee that individual offenders may be banned from the two block area referred to herein, for the remainder of time that this Resolution is in effect.

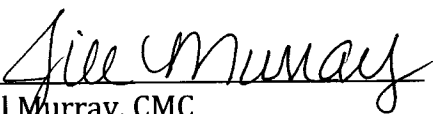
**VI.** The Re-opening Date referred to in Sections 1 and 2 shall be announced by the City Manager when it is known, or may be changed in the discretion of the City Manager, and his pronouncement of the effective Re-opening Date shall be the date upon which this Resolution shall be effective.

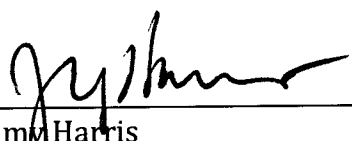
**VII.** The provisions of this Resolution shall expire on the thirty-first (31<sup>st</sup>) day following the Re-opening Date at 12:00 o clock A.M., subject only to an extension by City Council.

Approved in Open Session on May 18, 2020.



ATTEST:

  
\_\_\_\_\_  
Jill Murray, CMC  
City Clerk

  
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Jimmy Harris  
Mayor