



City of Greensboro

Melvin Municipal Building
300 W. Washington Street
Greensboro, NC 27401

Meeting Minutes - Draft City Council

Wednesday, January 7, 2015

2:30 PM

Council Chamber

SPECIAL MEETING OF COUNCIL

I. Call to Order

This Special City Council meeting of the City of Greensboro was called to order at 2:36 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present: 8 Mayor Nancy Vaughan, Mayor Pro Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaite, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Zack Matheny and Councilmember Tony Wilkins

Absent: 1 Councilmember Mike Barber

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, Assistant City Manager Wesley Reid and City Clerk Elizabeth H. Richardson.

Mayor Vaughan stated the meeting would not be televised but was being recorded for replay on the City's website; asked people who wished to speak to sign up at the door; and recognized Councilmember Matheny to Chair the meeting.

Councilmember Matheny provided the history of the Entertainment Facility Use Ordinance Review Committee; stated Council wanted the meeting to be inclusive of councilmembers and citizens who wished to participate; outlined the format for the meeting; and stated there would be a follow up meeting on Wednesday, January 14th at 2:30 p.m. in the Council Chamber.

City Attorney Carruthers spoke to the presentations that would be made by Interim Police Chief Anita Holder and Assistant City Attorney Jennifer Schneier; referenced the differences in the ordinances; to what other cities were doing; and recognized Interim Police Chief Holder for a presentation.

Councilmember Wilkins asked if a goal could be set to wind the issue up today to avoid business owners from having to keep coming back; if the details could be worked out and discussed at the next Council meeting; and voiced concern with delaying the issue.

Councilmember Matheny reminded those present of previous votes of Council; stated Council would hear from staff; have public comment; and close with discussion.

II. Staff Presentations and Council Discussion:

Interim Police Chief Holder reviewed the data provided to Council; stated she wanted to point out some of the themes for Council to consider; reviewed the listed occupancy and the number of calls for service as well as the man hours invested in the document dated January 6th; spoke to the estimated salary costs for delivering the services; highlighted specific features for Council; spoke to level of club safety and order for the facilities; and to the differences between calls for service and officer initiated activity. Interim Police Chief Holder referenced off duty officer employment; the higher level of calls for service at the officer's discretion; to further recommendations regarding a security manual; spoke to having venues focus on safety; and explained that some of the data was for a three year overview and some for a one year.

Councilmember Wilkins referenced persons at the last meeting of Council voicing concerns regarding guns in

clubs; and asked for clarification for the definition of 'armed' security staff.

Interim Police Chief Holder addressed the role of City police officers when working within the perimeter of clubs, not in the clubs; and stated the owners could hire armed security for the clubs.

Discussion took place regarding comments stating that Council directed guns in nightclubs; importance of clarifying that; and whether City Attorney Carruthers agreed with the definition of 'armed' guards.

City Attorney Carruthers voiced agreement with the definition; verified that the Greensboro Police Department did not permit its officers to stay inside the club when running security unless required; and addressed the danger of having arms in clubs.

Councilmember Abuzuaiter asked if the new security ordinance stated the clubs would have to have armed security guards which would be inside; and spoke to the wording of the ordinance.

City Attorney Carruthers explained the City policy; and spoke to the benefits of having discussion and input at this meeting.

Council discussion ensued regarding that it was not Council's intention to have armed security in clubs; and clarification that should the owner hire private security, they could be armed at the discretion of the security company and the club owner.

Councilmember Hoffmann asked Interim Police Chief Holder what Council should take away from the report with regard to the correlation of occupancy to costs.

Interim Police Chief Holder explained that the report provided a good source for questions moving forward; stated it spoke to overall calls for service regardless of occupancy; voiced that she would caution Council from making an immediate reference to higher number of calls for service; and spoke to focusing on venue location for a future action.

Council discussed the intent of the ordinance; that the ordinance would mandate and assist open lines of communication with club owners; concerns with employees being trained with the use of arms; and the perception that the training would teach security guards to be armed.

Attorney Carruthers clarified the certification and levels of requirements of Chapter 74C; stated that the certification controlled whether or not the guard could be armed; stated that staff was working with Greensboro Technical Community College (GTCC) to bring down the costs for training; and verified that armed security would be at the discretion of the club owners.

Councilmember Matheny asked that it be made clear that the City Council was not requiring mandatory armed training.

Councilmember Wilkins asked if there were any other options explored for Section 18-73 which determined how many guards a venue would be required to have based on capacity.

City Attorney Carruthers responded 'no'; referenced the Police Security Manual requirements; stated there were concerns among the police when the capacity numbers increased; stated that the increasing number of security guards was based on number of patrons in attendance, not fire code occupancy levels; and stated that clubs brought in extra security guards when expecting large crowds.

Discussion took place regarding the impact and effect of the ordinance if a venue had no major issues; clubs not knowing how many people would show up on a given night; letting owners manage their clubs and security levels; and the number of guards required at a venue.

City Attorney Carruthers stated that the ordinance was rolled out in response to some specific events and needs Downtown; reminded Council that at the time the ordinance was adopted he informed Council it would need to be tweaked; and referenced his memo which had options to expand the scope of the current ordinance.

Council discussed prior ordinance requirements with regard to violations; the new ordinance requirement that a venue be in business three years prior to exemption from the ordinance whether or not the venue had an incident; penalizing owners during the first three years; difference between the opt-in and opt-out versions of the ordinance; and what staff had learned from other communities.

Councilmember Fox entered the meeting at 3:17 p.m.

City Attorney Carruthers spoke to the differences between the 2012 and 2014 ordinance requirements; referenced the sunset of the privilege license later this year; and outlined the permit system utilized by Raleigh and the City of Greenville, South Carolina which could provide the City information and registration for business owners once the privilege license expired.

Councilmember Wilkins asked if this could be coordinated through the City's Water Department.

City Attorney Carruthers responded water provided a central registry for citizens; and added that the permit system with a nominal fee to cover the cost of administration would be worth looking at.

Councilmember Matheny asked that members hold their comments to allow staff time to complete their presentations; and to allow public comment.

City Attorney Carruthers spoke to the concern of bar owners regarding the cost of armed security; to the adoption of security manuals to conform with the Greensboro Police Department to ensure uniformity of enforcement which would regulate and maintain order; stated that two armed security guards was the first requirement; spoke to what would be required by club owners in the security manual; stated that Council could consider having an opt-in requirement for armed security upon the occurrence of an incident which would be similar to what the Raleigh ordinance required; outlined the requirements of the Raleigh ordinance; and asked if the three year good behavior requirement was too long.

Assistant City Attorney Jennifer Schneier outlined the good behavior requirements for sister cities.

Attorney Carruthers stated this might be a conversation Council wanted to have with club owners; and spoke to things Council could find consensus on.

Councilmember Matheny thanked staff for their comments; and stated Council would now hear from speakers.

III. Public Comments

Drew Wofford, 310 South Elm Street, Apartment C, thanked Council for their work on the issue; voiced the need that something needed to be done; spoke to non-violent issues at Chemistry; voiced concerns that a cookie cutter approach was not the answer; stated he supported the opt-in version of the ordinance; and spoke to privacy issues with a database system.

Councilmember Matheny thanked Mr. Wofford for his attendance; asked his opinion on changing the violation timeframe from three years to eighteen months; and voiced concern with privacy issues and flagging patrons.

Mr. Wofford spoke to giving up privacy for added safety; and made reference to an incident that happened several months ago.

Grady Green, 6731 River Hills Road, stated he thought this would be a round table discussion; voiced concerns with not knowing about the meeting; stated he liked the idea of a tiered system; voiced concerns with security guards wearing nameplates; suggested a number system for guards to allow for their privacy especially when an incident occurred; referenced punishment versus reward based systems; and inquired about the incident history when a new owner bought a previous venue's location. Mr. Green stated he had bought a previous club's space and referenced incidents that had occurred during the previous club's operation; referenced two recent shootings in restaurant type venues and small bars which served food; and asked whether off duty officers could check identifications or perform pat downs.

Interim Police Chief Holder responded that off duty officers could not check for identification unless there was a crime; that officers did not perform pat downs; and addressed what Greensboro Police Officers could do if a crime had been committed.

Ron Tuck, 1500 West Vandalia Road, stated that club owners were aware of the meeting today as well as the ordinance changes; that he had worked for security; spoke to the difference between bouncers and security guards; voiced concerns with Greensboro officers having a hard time with their image; spoke to the profits of clubs when they charged for drinks and admission; stated the clubs needed to be held accountable for security; referenced what happened when patrons were hyped up on music and alcohol; and asked Council to put teeth into the ordinance. Mr. Tuck continued that club owners were not concerned with what took place outside the club; addressed issues with women bringing weapons into clubs; suggested that event centers should be included; and reiterated that club owners were not losing profits.

IV. Council Comments and Next Steps

Councilmember Hightower stated that Mr. Tuck had made some great points, some of which were her concerns; spoke to requiring owners to have metal detectors or wandering for patrons; asked if the ABC Commission offered any training for staff to recognize patrons who had too much to drink leaving and reentering the premises; spoke to the timeframe the City was giving clubs with regard to incidents on the premises; suggested a twelve month period rather than three years for incidents; voiced concerns for new owners being penalized for prior owner's violations; and suggested changing the violation timeframe to twelve months.

Councilmember Hoffmann stated the ABC Commission did have training for owners; and suggested that the general manager for the ABC Commission address Council.

Councilmember Matheny asked Interim Police Chief Holder to arrange having representatives from GTCC and the ABC Commission at the next meeting; and to speak to the costs for the GTCC training.

Interim Police Chief Holder stated representatives from the ABC Commission and GTCC could attend the meeting on the 14th; and explained that GTCC was in the process of developing a lesson plan for a 40 hour course which would not be mandatory but would add to the basic training to allow owners and managers insight on how to enhance the environment with regard to public safety.

Mayor Vaughan emphasized that the opt-in option that was in the original ordinance needed to be put aside because it did not work; and asked if Council was in agreement that the opt-in option did not work.

Councilmember Matheny confirmed the opt-in option was off the table.

Councilmember Wilkins referenced the amount of time for owners to get guards in place; and asked if there had been any coordination with the Guilford Council Sheriff's Department.

Interim Police Chief Holder responded that it was the at the discretion of the club owners to coordinate with the Sheriff's Department; spoke to what could be done with venues in the County; stated that she did not know if anyone had spoken to the department but would follow up on the request; and stated currently 18 locations used Greensboro off-duty officers.

Councilmember Abuzuaiter thanked those involved for their work on the item; read information from the November 29, 2012 meeting minutes of the Entertainment Facility Use Ordinance Review Committee; regarding the ordinance; voiced it was important for the public to be involved in the discussions; the need for roundtable discussions in the future; concern for the misperception under Section 18-73(a) that facilities would be required to have an armed security guard; spoke to why she voted against the ordinance previously; spoke to the November 18th recommended changes; asked that the verbiage concerning armed guards inside clubs be revised; and voiced concern with the 150 feet requirement.

City Attorney Carruthers explained that the goal of the 150 feet was to extend the perimeter of security out beyond just the doors of the clubs which could be modified for clearer understanding; spoke to giving the police department discretion on where the security would need to be located; referenced patron lines along the sidewalks Downtown; clarified that the 150 feet was an effort to maintain order; and added that the police could

individualize what was best for the clubs to maintain order around its perimeter so the club accepted responsibility beyond the door.

Councilmember Abuzuaiter asked for clarification of Raleigh's ordinance that persons arrested must have been patrons of the facility or on their way in or out; spoke to the assumption that incidents happened when everyone left the clubs at the same time; and referenced the staggered closing times in other cities.

City Attorney Carruthers spoke to the ordinance trying to move beyond clubs dumping issues at the door when a fight broke out at a particular venue.

Assistant City Attorney Schneier stated that when a permit was revoked in Raleigh, they looked at what took place within a three block radius.

Interim Police Chief Holder addressed the issue of incidents taking place when patrons lefts clubs at the same time; referenced the Police Department's Security Manual which suggested how to avoid those situations in the future; spoke to what was done in the past; and verified that there were several ways to address the issue without creating one specific action for all clubs.

Mayor Pro-Tem Johnson stated she would like to see the City not penalize people who had bought establishments that had prior violations on the basis of location; spoke to the need for people to come in and have businesses; and voiced agreement with the reduction to 12 or 18 months.

Councilmember Fox stated he would reserve his comments for the next meeting; was open to the idea of 18 months; that he was taking in the security training manual; and stated he would bring a few things back at the next meeting

Councilmember Matheny stated he would prefer ideas be brought between now and the 14th to permit time to rewrite the ordinance; stated that the reality of why Council was doing this was because the City had issues; referenced the call list; arrests; spoke to citizens being scared; voiced the need to do something but stated it would be impossible to write the perfect ordinance that satisfied all needs; and asked that staff have better advertisement for the meeting on the 14th. Councilmember Matheny continued that he would contact as many resident organizations so that they were aware of the next meeting; that he would like to have the ABC and/or ALE in attendance; spoke to the difficulty in writing a security manual that was uniform for all clubs; voiced the need to address concerns with recent purchasers or takeovers of nightclubs; asked if the City had permit registration; voiced the need to define what an appeals process would look like; have the appeals process come directly to Council; spoke to the use of staging metal detectors; asked for a discussion regarding number of arrests rather than number of calls; and stated he was okay with reducing the violation timeframe from three years to eighteen months. Councilmember Matheny addressed the issue of criminal checks for security guards; referenced the implementation timeframe; owners being aware of this meeting; staggering leave times; referenced Greenville, South Carolina's permit process for owners being required to get a Special Use Permit if they wished to operate between midnight and 2:00 a.m.; and asked City Attorney Carruthers to continue to work on the items listed today.

Mayor Vaughan voiced that she liked the Special Use Permit used in Greenville, South Carolina; and surrounding neighborhood discussion.

Council discussed how many security guards would be needed if the occupancy exceeded 100 patrons; use of sworn uniform off-duty police officers; clarification of where armed security guards would be placed; discretion of the owners regarding guards; the importance in mentioning for taxpayers the \$900,000 figure for cost of man hours utilized for calls; and number of calls to venues not listed in the report.

Interim Police Chief Holder reminded Council that the figures in the report were based on the Institute of Government figures for the per hour costs; and clarified what was included in the wage costs.

Mayor Vaughan requested that postcards announcing the meeting on the 14th be sent to the 28 club owners in question, to which City Attorney Carruthers responded that would be done.

V. Adjournment

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 4:11 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR