



City of Greensboro

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

Meeting Minutes - Draft City Council Special Meeting

Tuesday, August 14, 2018

5:30 PM

Council Chamber

I. Call To Order

This Special City Council meeting of the City of Greensboro was called to order at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present 9 - Councilmember Marikay Abuzuaiter, Mayor Nancy Vaughan, Councilmember Nancy Hoffmann, Councilmember Sharon Hightower, Mayor Pro-Tem Yvonne Johnson, Councilmember Justin Outling, Councilmember Michelle Kennedy, Councilmember Goldie Wells, and Councilmember Tammi Thurm

Also present were City Manager David Parrish, City Attorney Tom Carruthers, and City Clerk Elizabeth H. Richardson.

Mayor Vaughan stated the purpose of the meeting; and confirmed Councilmember Hoffmann was participating in the meeting via telephone.

II. Moment of Silence

The meeting opened with a moment of silence.

Mayor Vaughan asked that Council remember Jim Westmoreland and his family on the passing of his wife Lisa.

III. Pledge of Allegiance to the Flag

Mayor Vaughan recognized Councilmember Thurm to lead the Pledge of Allegiance to the Flag.

IV. Council Procedure for Conduct of the Meeting

Mayor Vaughan explained the Council procedure for conduct of the meeting.

V. General Business Agenda

Mayor Vaughan stated Council would hear from speakers at this time.

Anna Cushman, 1031 Summit Avenue provided her employment history; spoke to her community involvement; stated she supported liberty and justice for all people; emphasized the right to free speech; voiced that people needed to be able to ask for assistance; the need to love your neighbor; concern for the five children who perished in the Summit Avenue fire; and requested a meeting with the Summit Avenue residents.

Councilmember Outling entered the meeting at 5:41 p.m.

Councilmember Abuzuaiter reminded the public that a community meeting with the Summit Avenue residents had taken place last week.

Heidi Fleshman, 3791 Winborne Lane referenced a career in sales; spoke to the behavior of solicitors; to the differences between the terms 'assault' and 'harassment'; emphasized that panhandling was not a public safety issue; voiced concern with persons experiencing homelessness; and asked that Council take a compassionate approach to the issue.

Sandra Isley, 1009 Bellevue Street referenced the divided vote among Council for the solicitation ordinance; voiced concern with singling out certain groups of people; with hatred and racism; emphasized the need to get to the root of the issue; spoke to her disability and financial status; and voiced concern with dividing Greensboro.

Garrison Clark, 195 South Lyndon Street read a statement from the Working Class Homelessness Alliance (Alliance), spoke to the interests of local businesses; to those calling for the end of the ordinances, announced a boycott of businesses who supported the ordinances; demanded that the ordinances be repealed; requested that a Poverty Commission be developed as well as a Homeless Bill of Rights; and named the businesses he would boycott.

Councilmember Kennedy confirmed the Alliance included persons experiencing homelessness; and voiced that targeting local businesses took away focus from the real issue.

Justin Harmin, 2633 Beechwood Street asked Council several questions about the proposed ordinance; and voiced concern with policing free speech and criminalizing poverty.

Hanna Haymore, 2618 Shady Lawn Drive voiced concern with the way the City was treating its poorest citizens; with the purpose of the ordinances; emphasized Council made decisions that impacted all residents; asked Council to meet with the poor and homeless for suggestions; that a Homeless Bill of Rights be put in place; and emphasized the need for safe housing and assistance for the working class.

Mitchell Fryer, 3404 Shaker Drive referenced statements that were made about the constitutionality of the ordinance; provided suggestions; asked about the logic of a special meeting; how much money had been spent on the issue; if there would be a review period for the ordinance; and about the City's commitment for a Poverty Commission.

Mayor Vaughan stated that Council would provide comments at the end of the public comment period.

Mayor Pro-Tem Johnson stated that decreasing poverty was a goal and priority of Council.

Eddie Brewer, 401 East Washington Street; spoke to his experience being homeless; voiced concern with criminalizing homelessness; spoke to the attitudes of police officers; to the lawsuit filed against the City; and stated he was currently working.

Hester Petty, 3402 Canterbury Street spoke to the history of the adoption of the solicitation ordinances; suggested changes to the ordinance; spoke to content related speech; requested Council delay the vote; and voiced concern with the funding spent on the issue.

Marcus Hyde, 305 Tate Street referenced comments made at the last Council meeting; voiced concern with those who were lobbying to restrict and take away people's constitutional rights; emphasized first amendment rights; stated Council wanted to push poor people away from Downtown; spoke to low wages and high housing costs; dividing the community; stated the focus should be on the development of a vision for a safe Downtown; and added that the American Civil Liberties Union and the National Law Center were not in agreement with the proposed ordinance.

Lindy Perry-Garnette, 605 Montrose Drive addressed public safety issues; referenced the process for adoption of the ordinance on July 24th; spoke to the data analyzation over calls from the last year; voiced concern with her tax money defending the issue; referenced the number of homicides in East Greensboro; and emphasized the need for a solution to the issue.

Ryan Tardiff, 830 West Market Street voiced disappointment in Council's recent comments and actions; stated the ordinance needed to be defeated; spoke to the need for measures to help the poor in Greensboro; voiced agreement with the Homeless Union priorities; requested that a Homeless Bill of Rights be created; and that the City look at

the eviction issue and low income housing.

Susan Farr, 2918 Liberty Road referenced the request for the number of complaints since the ordinance was adopted; spoke to the risk of a lawsuit; racial economic disparity; the need for solutions to poverty and homelessness; for a Homeless Bill of Rights; for a Police Protocol Policy; requested additional support for code enforcement; and requested that the City provide a place for the homeless to sleep.

Councilmember Hightower outlined the response she had received from City Manager David Parrish regarding the number of, and reason for, the calls.

John Royal, 2618 Shady Lawn Drive referenced his comments at the last Council meeting regarding campaign contributions; provided the location for persons to find campaign contribution information online; spoke to comments made by Police Chief Scott at the last meeting; voiced concern with persons' fear when going to the police; funding spent on the issue; and requested money be allocated to Partners Ending Homelessness.

Shaun Arnold, 4600 Big Tree Way voiced opposition to the ordinances; emphasized that the ordinances marginalized the City's poor; and voiced concern with oppressing people.

Mayor Vaughan requested that City Attorney Tom Carruthers address some of the issues brought forward; and to speak to the status of the pending lawsuit.

City Attorney Carruthers confirmed that the proposed ordinance did not ban solicitation or make panhandling illegal; outlined the places solicitation could take place unless prohibited; highlighted what the three sections of the ordinance applied to; and provided clarification of the ordinance.

Mayor Vaughan verified that aside from parking lots and parking decks which would have specific signage, persons could solicit and panhandle in non-restricted areas; and confirmed the ordinance did not ban free speech.

City Attorney Carruthers described legitimate purposes; spoke to instances of improper harassing activity; and confirmed the ordinance did not ban free speech.

Mayor Vaughan referenced comments made regarding a review period; and suggested that Council review the ordinance in six months.

Councilmember Abuzuaiter inquired about the regulations on private property.

City Attorney Carruthers explained the rights of private property owners to restrict trespassing on their property.

Councilmember Outling referenced conversations that had taken place with all of the interested parties; confirmed the ordinance had been challenged; that the plaintiff's attorney sought a Temporary Restraining Order (TRO); referenced law on the topic; spoke to similar ordinances across the state; and asked for an update on the lawsuit.

City Attorney Carruthers confirmed the City had been sued; explained what had taken place since last Friday; verified the Court denied the TRO; spoke to what was legally needed to obtain a TRO; informed Council that a Preliminary Injunction Hearing was set for August 22nd; and that should Council repeal the current ordinance, the issues in the Complaint would be moot and a hearing would not take place.

Councilmember Outling spoke to the elements for obtaining a TRO; explained what the plaintiff needed to prove; emphasized that law existed; and that there had been a significant development over the last several hours.

Councilmember Hightower voiced concerns regarding the definition of the term 'intent' in Section 18 of the ordinance with regard to blocking and impeding sidewalks; provided an example of persons congregating on the sidewalk recently; and asked if her example would meet the definition.

City Attorney Carruthers stated he was not prepared to answer the question; and provided the definition of the term 'block' under the ordinance.

Discussion took place regarding the interpretation of being unreasonably blocked; language in the former ordinance regarding blocking an entranceway; and reference to conversations with local business owners and stakeholders.

Attorney Catherine Clodfelter read the portion of the ordinance pertaining to free passage; and provided an overview of unreasonably blocking passage.

Councilmember Hightower voiced that she felt her passage was blocked; and concern that the language left it open for interpretation.

Attorney Clodfelter emphasized that unreasonably was the key word in the ordinance; spoke to persons walking around an obstruction; to what was considered passage; explained that the ordinance could not be so specific that it would leave a police officer unable to handle a situation; and spoke to the need for balance in the ordinance.

Additional discussion took place regarding existing laws pertaining to the issue; sleeping in parking decks; the definition of the term 'shelter'; comparison to jaywalking; public safety; and discrimination against a particular class of people.

Councilmember Kennedy referenced the TRO ruling benefitting the City; spoke to the number of cases leveled against municipalities that had been unsuccessful in obtaining a TRO, but had prevailed in court; voiced concern with calling a special meeting due to a lawsuit being filed; with the passage of discriminatory legislation; and suggested that Council reconsider the way it established laws.

Mayor Pro-Tem Johnson called the question.

1. [ID 18-0525](#) Ordinance Amending the Greensboro Code of Ordinances Chapter 16 With Respect to Motor Vehicles and Traffic and Chapter 18 with Respect to Offenses and Miscellaneous Provisions

Moved by Councilmember Wells, seconded by Councilmember Thurm, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 5 - Councilmember Marikay Abuzuaiter, Mayor Nancy Vaughan, Councilmember Nancy Hoffmann, Councilmember Justin Outling and Councilmember Tammi Thurm

Nays, 4 - Councilmember Sharon Hightower, Mayor Pro-Tem Yvonne Johnson, Councilmember Michelle Kennedy and Councilmember Goldie Wells

18-102 ORDINANCE TO AMEND CHAPTER 16 WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC AND CHAPTER 18 WITH RESPECT TO OFFENSES AND MISCELLANEOUS PROVISIONS
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

Section 1. Chapter 16, Article 1, Sec.16-9., Soliciting business, etc., in streets is hereby repealed and reserved for future use.

Sec. 16-9. - Soliciting business, etc., in streets.

In the interest of public safety and in order to protect both pedestrians and motorists, no person shall stand or sit on any traveled portion of a street or on a median and distribute any item or solicit employment, business or contributions from the driver or occupant of any motor vehicle which is located in a traveling lane.

Section 2. Chapter 18, Article III, Sec. 18-44 is hereby amended to read as follows:

Sec. 18-44. - Loitering.

(a) It shall be unlawful for any person to occupy the streets or sidewalks of the city in such a way as to obstruct or interfere with the free passage into or out of any public business, sidewalk, or private property.

(b) It shall be unlawful for any person to occupy the streets or sidewalks of the city within fifty (50) feet of the entrance or exit of any establishment that serves alcohol.

(c) Penalty. A violation of subsection (b) by any person subjects the offender to a fine of up to two hundred dollars (\$200.00) and any other punishment authorized by law for a class 3 misdemeanor.

Sec. 18-44. - Blocking or Impeding Street and Sidewalk Access.

(a) Purpose and Intent. The City has the general authority and control over all public streets, sidewalks, and other ways of public passage within its corporate limits, except those ways of public passage that are owned or maintained by the State of North Carolina. The City has the duty to keep such streets, sidewalks, and other ways of public passage open for travel and free from unnecessary obstructions. G.S. 160A-296. This ordinance prohibits actions that block or impede the safe passage of pedestrians and vehicles on public sidewalks and streets.

(b) Definitions: The following words, terms, and phrases when used in this section shall have the meanings set forth in this subsection, unless the context of their usage clearly indicates another meaning:

(1) Block means to unreasonably obstruct passage on a sidewalk or entrance or exit to a building.

(2) Impede means to render the use of a street unreasonably difficult or dangerous, including the following actions:

i. Weaving or darting through, around, and in between multiple occupied vehicles, whether the vehicle is stopped or in travel, for a purpose other than passage to a sidewalk. This (i) subsection is meant to prohibit walking through a street parallel to the sidewalk but not meant to prohibit crossing lanes of a street to reach occupied vehicles when a stop light is red.

ii. Placing or throwing a tangible thing on or inside an occupied vehicle that is on the street, except if an occupant requests that the acting individual deliver the tangible thing to an occupant or consents to such exchange.

iii. Standing, sitting, or lying down on the portion of a traffic island that is less than 6 feet wide, except where using the traffic island to cross the street or during an emergency.

(3) Sidewalk means the part of a street improved for pedestrian traffic.

(4) Street means the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic. The terms "street" and "highway" are synonymous.

(5) Traffic island. A raised portion of the street in between lanes of traffic intended to separate lines of traffic or guide traffic, not to hold people or provide pedestrian refuge. A traffic island may be commonly called a median. For the purpose of this ordinance, a traffic island is any raised part of the street meant to separate lanes of traffic that is less than 6 feet in width. Width is measured as the length of the traffic in the direction of pedestrian travel if the pedestrian is traveling perpendicular to the street.

(6) Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes, of this chapter bicycles shall be deemed vehicles.

(c) It shall be unlawful for an individual to impede the use of a street or highway.

(d) It shall be unlawful for an individual to block a sidewalk.

(e) It shall be unlawful for an individual to block the entrance or exit to a building served by a sidewalk or street unless otherwise granted permission by the owner or tenant. Permission granted by the owner may be evidenced by verbal or written confirmation of permission from the owner or tenant.

(f) Nothing in this subsection shall be interpreted to prohibit the exchanging of objects into and out of vehicles where the vehicle is stopped or parked according to traffic laws and no blocking or impeding of a street or sidewalk occurs. Where an individual is engaged in lawful activity on the sidewalk and such activity evokes a response by a third party that is in violation of this ordinance or any other ordinance or state law, the individual engaged in lawful activity shall not be in violation of this section.

(g) This section shall not apply to actions taken by first responders; or to actions taken in response to an emergency or to prevent an accident.

(h) This section shall not apply to persons or entities granted a permit by the City for purposes, including, but not limited to, under Chapter 26 and Chapter 18 Sec. 2 of this Code.

(i) No action punishable under G.S. 20-174.1 shall be punishable under this section. This section shall only apply to public streets, sidewalks, and other ways of public passage within the City's corporate limits for which authority and control is not vested in the North Carolina Board of Transportation.

(j) A violation of this section shall be a Class 3 misdemeanor punishable by a fine of up to \$50.

State Law reference— Standing, sitting or lying upon streets or highways, G.S. 20-174.1. Pursuant to state statute, standing, sitting, or laying down upon streets or highways is unlawful.

Section 3. Chapter 18, Article III, Sec. 18-46 is hereby repealed in its entirety and reenacted as sections 18-46.1 and 18-46.2 to read as follows:

Sec. 18-46. - Loitering for the purpose of engaging in drug-related activity.

(a) For the purposes of this section, "public place" means any area generally accessible to the public for common usage and access, including any street, sidewalk, bridge, alley or alleyway, plaza, park, playground, driveway, parking lot or transportation facility, the doorways and entranceways, stairway, hall, courtyard, passageway or common area to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the City of Greensboro.

(b) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the intent to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, N.C. Gen. Stat. Chapter 90, Article 5. When done with the intent of violation of the aforementioned statutes, such circumstances shall include:

- (1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
- (2) Repeatedly stopping or attempting to stop motor vehicles; or
- (3) Repeatedly interfering with the free passage of other persons; or
- (4) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity; or
- (5) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, or by courier, money or objects; or
- (6) Such person takes flight upon the approach or appearance of a law-enforcement officer; or
- (7) Such person is at a location frequented by persons who use, possess, or sell drugs.

Sec. 18-46.1 – Solicitation and Distribution of Items in Public Parking Garages and Public Parking Lots Prohibited.

(a) Solicitation Permitted. Solicitation, where not otherwise prohibited herein or by State law, is allowed in the public spaces of Greensboro.

(b) Purpose and Intent. It is the purpose of this section to provide for the health, safety and welfare of the residents of the city through the proper management of the city's municipally owned parking garages and parking lots. The city is authorized to operate a parking enterprise to furnish parking services to the city and its citizens.

(1) The city council finds that municipal owned or operated parking garages and parking lots are not traditional public forums for First Amendment purposes and that the city may regulate conduct and use of the parking garages and parking lots through adequate and reasonable rules. The statutory authority is found in G.S. 160A-174 and 160A-312.

(2) The City finds it necessary to restrict certain activities, including solicitation and distribution within public parking garages and parking lots because of the increased potential for accidents in parking garages and parking lots, limited space for individuals walking to vehicles and engaging in transactions associated with solicitation and distribution, and due to the potential for individuals accessing their cars to feel a heightened level of intimidation when approached by a solicitor or distributor.

(c) Definitions. The following words, terms, and phrases when used in this section shall have the meanings set forth in this subsection, unless the context of their usage clearly indicates another meaning:

(1) Public Parking Garage and Parking Lot means lots, garages, or portions of lots or garages, owned or operated by the City of Greensboro which have the sole purpose of providing vehicular parking. On-street parking, including diagonal on-street parking, is not considered a garages or lot. The word "deck" has the same meaning as the word "garage."

(2) Enter or entryr. For the purpose of this section, entry into a Parking Garage or Parking Lot shall mean entry onto the paved parking portion where its the sole intended purpose is the parking of vehicles.

(d) Offense. It shall be unlawful to:

(1) enter a Public Parking Garage or Parking Lot for the purpose of soliciting for or distributing within the Parking Garage or Parking Lot any of the following: money, contributions, signatures, leaflets, or pamphlets for any purpose or use; and

(2) engage in the intended solicitation or distribution.

(e) Exemption for Sidewalks and Landscaped Areas Through and Adjacent to Parking Garages and Parking Lots.

The prohibition under this subsection does not restrict solicitation or distributions on public sidewalks or landscaped areas that run through or immediately adjacent to a public parking garage or lot where such sidewalk or landscaped area is a path for movement other than for the purpose of getting to and from a vehicle in the parking garage. However, any solicitation along such sidewalk or landscaped area shall be confined to the sidewalk or landscaped area, and no solicitor or distributor shall follow physically an individual off the sidewalk or landscaped area and through the publicly owned parking garage or parking lot where the individual has declined the solicitation or distribution.

(1) This subsection is further clarified below, through example, as it applies to the Public Parking Lots located at Elm St. and McGee St. and Elm St. and Greene St. (referred to as the "Elm Street Lots"). This clarification applies in the same manner to all Parking Lots and Parking Garages with the same or similar features:

i. The Elm Street Lots are comprised of paved parking areas immediately adjacent to two commercial buildings, surrounded by sidewalks providing access to the street (the "Surrounding Sidewalks"), and with one large sidewalk running directly through the middle of the paved parking areas such that parking is allowed on either side of that middle sidewalk (the "Middle Sidewalk"). Many pedestrians, including those parking a vehicle, use the Middle Sidewalk. The prohibition in this subsection shall not apply to any individual using the Middle Sidewalk or the Surrounding Sidewalks, even where the individual is soliciting or distributing to a person who is standing on the paved portion of the Elm Street Lots. The prohibition in this subsection does apply if the individual soliciting or distributing leaves the Surrounding Sidewalk or Middle Sidewalk, enters into the paved parking area with the intent to continue soliciting or distributing, and either engages in the soliciting or distributing or continues to engage in the soliciting or distributing when the individual being engaged has declined the solicitation or distribution. This prohibition is intended to prevent persons who have declined the solicitation or distribution from being followed from the sidewalk to their vehicles or from being approached and engaged in the paved parking areas while accessing their vehicles.

(f) Designation of Public Parking Garage and Parking Lots. Public Parking Garage and Parking Lots shall be designated by clearly posted signs. The City shall maintain and provide upon request a list of Public Parking Garages and Parking Lots, currently titled "Traffic Schedule 9, Public Off-Street Parking Lots."

(g) Other Solicitation Prohibited by State Law. This section shall not apply to any type of solicitation or distribution regulated, prohibited, or punishable under other applicable state law.

(h) Exceptions. This section shall not apply to any Parking Garage or Parking Lot adjacent to or used as the designed parking for a polling place during the time when City owned property is used by the Guilford County Board of Election as a polling place. This section also shall not apply when an event is taking place within the Public Parking Garage or Parking Lot due to a permit granted by the City.

(i) Penalty. A violation of this section shall be a Class 3 misdemeanor punishable by a fine of up to \$50.

Section 4. Chapter 18, Article III Section 18-46.2 is hereby enacted to read as follows:

Sec. 18-46.2. - Harassment in Public Spaces Prohibited.

(a) Purpose and Intent.

(1) The city is enabled, pursuant to G.S. 160A-174, to protect the health, safety and welfare of its citizens and to ensure the peace and dignity of the city. It is the intent of council in enacting this ordinance to recognize the rights of all citizens while at the same time protecting the coexistent rights for all citizens to enjoy safe and convenient travel in public spaces free from harassment. In the course of public hearings and debates regarding solicitation and safety in public spaces in Greensboro, the city recognizes that the dangerous effects of harassment may occur in the commission of or completely separate from an act of solicitation, where such conduct occurs in public spaces and includes following a person or cornering a person for the purpose of intimidating that person.

(2) The current state laws on stalking and harassment do not protect individuals who are harassed in public spaces where such harassment is confined to a single occasion but is also dangerous or intimidating. Such harassment causes intimidation and fear and may result in an interaction with dangerous or violent consequences. Free and safe passage on city sidewalks and streets is necessary. Therefore, the following ordinance intends to address harassment on sidewalks and streets by penalizing the following conduct:

(b) Definitions. The following definitions apply in this section:

(1) Public Space means streets, sidewalks, alleys, and other public property, as well as city-owned and city-controlled property.

(2) Reasonable person means a reasonable person in the same or similar circumstances.

(c) Offense. A person is guilty of harassment in a public space if the person:

- (1) knowingly and intentionally performs either of the following with no legitimate purpose;
- i. Following an individual in or about a public space with the intent of threatening, intimidating, or causing fear for personal safety; or
 - ii. Surrounding an individual or intentionally and physically directing the individual's movement through or in a public space with the intent of threatening, intimidating, or causing fear for personal safety. This subsection includes crowding or cornering an individual with the intent of threatening, intimidating, or causing fear for personal safety and without that individual's consent as the individual is actively engaging or attempting to use an automated teller machine or parking meter and the individual must stand within the public space to access the automated teller machine or parking meter;
- (2) the conduct described in subsection (c)(1)(i) or (ii) is directed at an individual in the individual's presence; and
- (3) the person continues the conduct described in subsection (c)(1)(i) or (ii) after the individual to whom the conduct is directed has made a negative verbal response or taken action that a reasonable person would understand as a negative response.
- (d) Penalty. A violation of this section shall be a Class 3 misdemeanor punishable by a fine of up to \$50.

Section 5. Severability. If any provision of this article is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

Section 6. This ordinance shall become effective as of 08/15/2018. Section 3., Sec. 18-46.1, shall become effective and enforceable at the later of: 8/15/2018, or the time at which the City has marked clearly the areas in which the prohibited activity may not occur as required under Section 18-46.1(e)(1)(iii).

(Signed) Goldie Wells

2. [ID 18-0526](#) Motion to Repeal Greensboro Code of Ordinance, Chapter 20, with Respect to Peddlers, Solicitors, Etc.

Mayor Pro-Tem Johnson confirmed that a 'yes' vote would be to repeal the ordinance.

City Attorney Carruthers responded in the affirmative.

Moved by Councilmember Thurm, seconded by Councilmember Abuzuaiter, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Councilmember Marikay Abuzuaiter, Mayor Nancy Vaughan, Councilmember Nancy Hoffmann, Councilmember Sharon Hightower, Mayor Pro-Tem Yvonne Johnson, Councilmember Justin Outling, Councilmember Michelle Kennedy, Councilmember Goldie Wells and Councilmember Tammi Thurm

18-103 ORDINANCE TO AMEND CHAPTER 20 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO PEDDLERS, SOLICITORS, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 20 is hereby repealed in its entirety.

THE FOLLOWING LANGUAGE HAS BEEN STRICKEN THROUGH AND IS NO LONGER IN PLACE WITH THE EXCEPTION OF SECTION 4.

and re-enacted as follows:

Chapter 20 - PEDDLERS, SOLICITORS, Panhandlers, Itinerant Merchants, ETC.

ARTICLE I. - IN GENERAL

Sec. 20-1. Regulations of Solicitation in Public Places

(a) Intent and Purpose.

It is the intent of Council in enacting this Ordinance to recognize free speech rights for all citizens while at the same time protecting the coexistent rights for all citizens to enjoy safe and convenient travel in public spaces free from intimidating conduct, threats, and harassment that stem from certain types of abusive solicitation, or that may give rise to interference with other's activities if they occur in particular settings and contexts.

The purpose is to regulate certain conduct to preserve the public order, to protect the citizens of the City of Greensboro and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression, or conduct.

(b) Definitions.

(1) For the purpose of this section, solicit means actions that are conducted in the public place in the furtherance of the purpose of collecting money or contributions for the use of one's self or others. As used in this ordinance, the word, "solicit" and its forms shall include the following acts:

(a) Panhandling, begging, charitable or political soliciting means actions that are conducted in the furtherance of the purpose of collecting contributions for the use of one's self or others;

(b) Peddling means transporting goods from place to place and selling or exposing the goods for sale, or without traveling from place to place, selling or offering for sale any goods from any vehicle or device; provided, that any separation of the acts of sale and delivery for the purpose of evading the provisions of this article, the acts shall be defined as peddling.

(c) Commercial Soliciting means traveling from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and using or occupying any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance.

(d) Itinerant Merchandising means engaging in a temporary business of selling and delivering goods and using or occupying any premises; provided that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

(e) Street Performing means audible or visual entertainment including but not limited to reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work.

(f) Mobile Food Vending means preparing or serving food or beverages for sale to the general public from a mobile piece of equipment or vehicle.

(2) For purposes of this section, public place shall be defined as a place where a governmental entity has title, and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theater, transportation facility, vendor location, school, place of amusement, park, or playground.

(c) It shall be unlawful to solicit aggressively in public places in any of the following manner:

(1) Approaching or speaking to someone in such a manner or voice including but not limited to using profane or abusive language as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession, or otherwise be intimidated into giving money or other thing of value;

- (2) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- (3) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (4) Using violent or threatening gestures toward a person solicited;
- (5) Soliciting from anyone who is waiting in line for entry to a building or for another purpose without the permission of the owner or landlord or their designee;
- (6) By forcing one-self upon the company of another by continuing to solicit in close proximity to the person addressed or following that person after the person to whom the request is directed has made a negative response; or blocking the passage of the person addressed; or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands;
- (7) By soliciting within twenty (20) feet of an automated teller machine which is defined as a device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to cash withdrawals, account transfers, deposits, balance inquires, and mortgage payments.

(d) Violations.

Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175.

(e) Severability

If any portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof.

State Law reference— Regulation of begging, G.S. § 160A-179.

Section 3. That all sections not amended herein shall remain in full force and effect.

Section 4. That this ordinance shall become effective upon adoption.

(Signed) Tammi Thurm

VI. Adjournment

Moved by Councilmember Outling, seconded by Councilmember Kennedy, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 6:57 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR