



City of Greensboro

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

Meeting Minutes - Final City Council

Wednesday, January 14, 2015

2:30 PM

Council Chamber

SPECIAL MEETING OF COUNCIL

I. Call to Order

This special Council meeting of the City of Greensboro was called to order at 2:37 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 Abuzuaiter, 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 Assistant City Manager Wesley Reid, City Attorney Tom Carruthers, and Deputy City Clerk Angela R. Lord.

II. Staff Presentation and Council Discussion

City Attorney Carruthers provided a brief update on progress since the January 7th meeting; outlined proposed changes; stated the importance in changes regarding small and high capacity clubs; spoke to the security requirements for clubs with an occupancy of 1 – 298; and referenced the small club owners concerns with costs.

Councilmember Wilkins inquired as to how many clubs this had affected.

City Attorney Carruthers stated he had not compiled those figures; continued with proposed recommendations regarding an "opt-in" option for smaller clubs; a decrease in the "opt-out" clause; spoke to compliance with the security manual; recommended expanding the definition of night clubs; regulating establishments open after midnight; spoke to a permit system; a narrowed timeframe for security requirements; statistics on proposed nightclubs; calls of service; compiling of information on incidents and citations; provided the definition of the Acts of Violence; referenced modifications to the 150 foot requirements; and spoke to focusing on patrons beyond the doors of the clubs.

Councilmember Matheny referenced a meeting with the City Manager and the Legal Department; stated for clarity there was nothing in the ordinance that mandated off duty officers be inside clubs; spoke to working with the capacity and time issues; voiced Council's concern with an expanded definition which would hinder what Council was trying to accomplish; and voiced Council was trying to craft and draft something for everyone.

Councilmember Hightower stated she did not know about the meeting earlier in the week; and inquired to what it was about.

Councilmember Matheny stated the purpose of the meeting was to streamline recommendations; information had been sent to Council; clarified that they would try to decide by a majority of what to present at a future Council meeting; stated that as a majority Council wanted City Attorney Carruthers to disregard the expanded definition; and recognized Rick Brewer from Guilford Technical Community College (GTCC) to discuss training for 74C certifications.

Mr. Brewer provided an estimated cost for training; spoke to certification through the Private Protective Services (PPS) Board; available curriculum and lesson plans for officers; outlined a two-day training for instructors; and stated the cost would be less than \$100.

Councilmember Matheny recognized 'Vickie' Armstrong, General Manager and CEO of the Greensboro ABC Commission.

Ms. Armstrong spoke to a program called Serve It Right, stated the City had 392 permittees; that all permittees were required to receive certification through the program; outlined requirements of certification; spoke to the DRAM Act; establishments serving alcohol to minors or to those already intoxicated; stated permittees were responsible with contacting the office when they needed new certifications; announced that a training would be held on February 24th at 9 a.m.; spoke to regular bi-annual training; and stated additional training would be provided as needed.

Councilmember Hightower asked if it was recommended for all employees to receive certification.

Ms. Armstrong clarified that certification was only required of servers; and spoke to some employers having all employees certified.

Councilmember Matheny spoke to the relationship between the Council, the local ABC Board and the State ABC Board; and inquired as to whose responsibility it was to pull permits from clubs that were in violation.

Ms. Armstrong spoke to the dynamics and interaction between the Board, permittees and the Greensboro Police Department; recognized Lieutenant Thomas in the audience as the Supervisor for the ABC officers; clarified the City could not revoke permits which were issued by the State; verified only the State could revoke, suspend or fine permittees for their acts; and spoke to the Local ABC Board working closely with the State to alert them of violations.

Councilmember Wilkins asked for clarification regarding a statute; and voiced concern with wording in the ordinance.

City Attorney Carruthers spoke to the County's enabling legislation; stated the amendment answered Council questions regarding regulating the closure of clubs at midnight or later; clarified the State ABC regulations prevented the City from regulating clubs in this matter; that the City did not have the ability to control that aspect of operations; and stated the City had the power to regulate for minimum levels of security and permitting regulations.

Discussion ensued regarding fees associated with training; security guards being trained through the ABC Board; and the Serve It Right training targeting servers.

City Attorney Carruthers clarified that six of the twenty six clubs were below the 299 capacity.

III. Public Comments

George Hartzman, 2506 Baytree Drive spoke to Downtown property owners; voiced concerns with the Rhino Times; campaign contributions; the Performing Arts Center; eliminating competition; and inquired of Councilmember Matheny's financial interest with the House of Blues.

Brad Semon, 203 South Elm Street voiced concerns regarding armed guards at the door of nightclubs; stated problems were going to happen anywhere; requested more information; spoke to his establishment being exempt; and voiced concerns with the level of training provided to security to carry a gun in a crowded room.

Councilmember Matheny clarified the course would be for 74C certification; and voiced appreciation for Mr. Semon's thoughts and his business.

Drew Wafford, 310 South Elm Street thanked Council for working with the nightclub owners in finding a solution; asked for confirmation on club exemption; spoke to living downtown and feeling safe; and to making Greensboro desirable to new businesses.

City Attorney Carruthers stated the club had not had any record of incidents; clarified the club had been opened for more than two years; and confirmed exemption from the armed security regulation.

Jason Ferguson, 1707 Spring Garden Street owner of Bar 180, inquired to being exempt from the ordinance; spoke to being in a heavily policed area; voiced concerns with the fairness of the ordinance; spoke to the purchase and workings of an ID Scanner; spoke to tagging problem patrons; and to bartender and security training.

Discussion ensued regarding an incident at the club; the incident being dismissed; criminal charges related to the incidents; exemption for Bar 180; and the focus on public safety.

James Swartzlander, 233 Smith Acres Road, Eden, NC stated he was head of security for Bar 180; inquired as to who was responsible when guards pulled a weapon resulting in an injury; and voiced concerns with outside security.

Discussion ensued regarding the City taking enforcement actions; the liability of the City; off duty officers on club premises assuming their duties as a Police officer in the case of an incident; the willingness of the Sheriff's Office to assist with security; and concerns regarding the City's liabilities..

Arik Griffith, 2803 Patterson Street stated he was the security manager of a local club; spoke to a system of accountability for employees in clubs; investigating incidents; referenced police patrolling parking lots; to being proactive rather than reactive; and to security inside the clubs being familiar with the patrons.

O. W. Sweeney, 1925 Taylor Street spoke to the ordinance as a waste of time; referenced violence on the street; voiced concerns with citizens paying for police when they were already being paid by the City; stated the ordinance was not fair, did not make sense and needed to be scrapped; and spoke to the mixing of people and alcohol.

Discussion took place regarding the location of police officers outside the clubs; and the City's responsibility to taxpayers to find a solution.

IV. Council Comments and Next Steps

Councilmember Hightower voiced her agreement with Mr. Sweeney; spoke to club owners responsibility; and inquired as to the perimeter outside of the clubs.

City Attorney Carruthers defined that as events that occurred on the premises; and patrons waiting in line or the parking area.

Discussion ensued regarding "what if" situations; the appeals process; clubs appealing exemption status; focus on the entire City; the 150 foot requirements; patrons leaving clubs when they closed and carrying issues out to sidewalks; unpaid fines for overcrowding; day and time requirements for security; and fire code regulations.

Mayor Vaughan asked if overcrowding and fire code violations could be considered as a strike against club owners; spoke to large capacity club requirements of two armed security outside the doors of the facility; wands and scanners being a large investment; and to owners posting signs stating they did not allow concealed weapons.

City Attorney Carruthers stated he would research strikes for fire code violations and would report back to Council; referenced a proposed change in State law with regard to the ABC licensing; success regarding the brownbagging rule; confirmed suggestions for high capacity clubs; verified the City had no authority regarding concealed carry permits; and stated it was the prerogative of club owners to post notices regarding concealed weapons.

Councilmember Matheny stated he was not in favor of the ID scanning.

Interim Police Chief Holder responded that scanning was not expensive; stated it would be for large capacity clubs; and confirmed ID scanning was a means of quick identification for the Police Department.

Discussion ensued regarding a 30 day stay; and placing the item on the February 3, 2015 City Council meeting.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower that Council continue the stay on enforcement of the 2014 Entertainment Facilities Security ordinance until February 4, 2015. The motion carried by voice vote.

Mayor Vaughan spoke to the work session tomorrow; and to working out details of the item.

Councilmember Abuzuaiter voiced appreciation for the continued work on the ordinance; referenced her previous vote against the item; spoke to a Quasi-Judicial Board to review violations; voiced concern with the City's legal abilities regarding pulling permits; spoke to the security manual and "finding guilt"; voiced concern for the lack of available police officers during special events; and asked for clarification on the data for calls for service.

City Attorney Carruthers spoke to State Law Chapter 19; of the criminal nuisance and permits; public risk; acts of violence causing injury; a base level of methods of security; cooperation with the Police Department in planning events at clubs; and provided the goals for reducing the acts of violence with the regulations.

Interim Police Chief Holder spoke to address points; and not being able to distinguish between multiple events at one address.

Mayor Vaughan requested clarification regarding the 150 foot rule.

City Attorney Carruthers confirmed the responsibility of club owners for areas outside the club where patrons were entering, exiting, or parking.

V. Adjournment

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

The Special meeting of COUNCIL ADJOURNED AT 3:42 P.M.

ANGELA R. LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR