



**PUBLIC SAFETY COMMITTEE
MINUTES**

REGULAR MEETING
Monday, August 24, 2015

Board Members in Attendance:

Jan Davis, Cecil Bothwell, Chris Pelly

Staff in Attendance:

Chief Scott Burnette, Alex Carmichael, Paul Fetherston, Christina Hallingse, Assistant Chief Barry Hendren, Chief Tammy Hooper, Dawa Hitch, Gary Jackson, Pat Liguori, John Maddux, Sgt. Jackie Stepp, Marsha Stickford, Sasha Vrtunski

Guests in Attendance:

Abby the Spoon Lady, Lori Kane, Terry Kirkpatrick, Summer, Josh Newton, Timothy Sadler, Peter Hirsch, Andrew Fletcher, Jon Spears, Richard Popalario, Gloria Provenzano, Matthew Jolly, Jabidah Walls, H. L. Carlisle, Jason Soundford, Ken Cowdery, Byron Greiner, Katie Burky, Brandon Brown, Keith Smith, Sharron Woody, Jade Murphy, Ian "Ducky" Valerio, Nathan Vargo, Josh Newton, Sophia Jicato, Jon Dee, Virginia Daffron, Jacob Seidman, Virginia Waite, Kevin Russ

1. APPROVAL OF MINUTES

The minutes from the meeting of 7/27/2015 were approved on Councilman Chris Pelly's motion, Councilman Cecil Bothwell's second on a 3-0 vote.

2. UPDATES

a. Downtown Public Space Management: Update and Next Steps
Paul Fetherston, Assistant City Manager

Assistant City Manager Paul Fetherston provided the Committee with an update and next steps for Downtown Space Management. No action was required of the Committee. Mr. Fetherston presented a historical overview of the issue before the Committee, which began in the context of the Downtown Enhancement Plan in July of 2014. The Committee discussed street performances and vending in September 2014 and April 2015. In April the Committee directed staff to continue researching options for vending, signage, and distances. Mr. Fetherston also discussed "tipping points," the attributes of a great place, and the value street performers add to Asheville's downtown.

Sgt. Jackie Stepp reviewed the public safety concerns including: overcrowded sidewalks, pets not controlled during performances, pedestrian crowding in roadways, motorist safety, blocked crosswalks, handicap access, ingress and egress, and sharp/dangerous objects utilized during performances. Sgt. Stepp also reviewed calls for service related to street performers and discussed the types of complaints received by APD. She identified the following high complaint areas: the Flat

Iron, Woolworth Walk, Biltmore Avenue/ Patton Avenue, and Haywood/College. Sgt. Stepp said that from 2008 – 2012, Asheville had the highest Pedestrian accidents of the 10 largest metro areas in North Carolina. She informed the Committee that APD is beginning a pedestrian safety campaign entitled “Watch for Me.”

Paul Fetherston presented the recommendation of a “Downtown High Impact Area Pilot Program” that would designate three spaces for street performances (Haywood Street in Front of Woolworth Walk, Flat Iron at Battery Park Avenue and Wall Street, Pack Square – south west side of Biltmore Avenue near Rhubarb.) Other street performance areas would not be regulated other than through then-current ordinances. Other than proposed ordinance changes, other applicable regulations would remain in effect. Staff would monitor impacts through August 2016 and return to PSC and Council with data and recommended next steps. Any adjustments could be proposed as warranted during and after the initial period. Mr. Fetherston reviewed a plan and timeline for the public engagement process before, and though out, the pilot program which would include general stakeholders, the Downtown Commission, the Public Safety Committee, and ultimately the Asheville City Council.

Changes to Asheville’s ordinances related to downtown space management were recommended. Those changes would include the following:

- A definition of “Performance Space;”
- Language that would refer to “performance” and “performers” rather than “entertainer” or “entertainment;”
- Requirement that performers cease performing if pedestrians are stopped and observing the performance from the street;
- Prohibition of the use of knives, swords, torches, axes, saws, fire or other dangerous objects or activities;
- Prohibition of performers being accompanied by or in custody or possession of dog or cat;
- Prohibition of the sale/ donations for goods;
- Requirement that all performances take place only within designated space;
- Disallowing other performances from taking place within designated distance measured from edge of performance space;
- Requirement that all performers associated with a performance must remain entirely within the performance space – including equipment;
- Requirement that all equipment and personal items in designated space must be accompanied by performer and must be removed at conclusion of performance;
- Language stating that performers are encouraged to be courteous to other performers and generally limit themselves to performing for no more than two hours in any designated performance space.

Staff recommends no changes to sidewalk vending or the regulation of street performance signs.

The Committee members discussed vendor licenses for the sale of music, time/place/manner regulations verses content-based regulations, and taxing equity for brick-and-mortar vendors.

3. PUBLIC COMMENT (5 CITIZENS, 3 MINUTES EACH)

The Committee heard the following public comment:

Abby the Spoon Lady spoke against limiting the space for performers and the lack of communication with the buskers in developing the pilot program. She said that the “tipping points” in Asheville are the hotels and big businesses, not the buskers.

Lori Kane spoke against restricting the buskers and the lack of communication with the buskers in developing the pilot program.

Sharron Woody spoke against limiting the buskers.

Terry Kirkpatrick asked about imposing crowd management responsibilities on to performers.

Summer asked why the buskers were not notified in advance of the Public Safety Committee. She stated that the distance requirement would make it so that she could not afford to busk.

Josh Newton said that the crowding issues in downtown were not just from busking, but from other development. He stated that the privatization of public housing, rising costs, and the effects of the beer industry were pushing Asheville over the “tipping point.”

A gentleman spoke against the proposed limitations on animals during performances.

Timothy Sadler said that the buskers were one of the best assets Asheville had and that the City should expand, not limit, opportunities for artists and musicians.

Peter Hirsch suggested closing Wall Street to traffic and designating it as a pedestrian and performance space.

Andrew Fletcher said that the idea that Asheville is at a “tipping point” is fallacious and he offered New York City as an example. He said that Asheville needs to collect data in order to accurately understand the state of busking now.

A gentleman came to the podium with duct tape over his mouth and did not speak.

Jon Spears said that Asheville should allow musicians and others to vend.

Richard Popalario said that people travel to where the buskers are and that limiting buskers will harm the City.

Gloria Provenzano spoke against regulating buskers. She said that buskers come to where the crowds are and that limiting buskers will not solve the space issues downtown.

Matthew Jolly spoke against the proposed space requirements. He said they would just move the crowds down the street.

Jabidah Walls said that he studied the anthropology of street performers and that the performer culture is increasingly mobile. He said that Asheville currently has a reputation as a haven for buskers, but that as soon as the word gets out that the City is not friendly to buskers anymore they will stop coming.

H. L. Carlisle spoke about a concern with his building and presented a letter to the Chief of Police.

The Committee directed staff to look at differentiating different types of busking, and expressed concern over the public notice process. They directed staff to meet with representatives of the busker collective and other stakeholders to discuss the proposed changes.

4. ADJOURN

Chairman Davis adjourned the meeting at 5:24 p.m. without objection.