PUBLIC SAFETY COMMITTEE
August 22, 2016 3:30 P.M.
4th Floor Training Room, Municipal Building

CURRENT COMMITTEE MEMBERS:
Cecil Bothwell, Chair
Brian Haynes
Julie Mayfield

AGENDA

CALL TO ORDER

1. **APPROVAL OF JULY MINUTES**

2. **UPDATES**
   a. **Chief of Police Update**
      Chief Tammy Hooper

3. **OLD BUSINESS**
   a. **Skate Park Staffing**
      Roderick Simmons and Deputy Chief James Baumstark

4. **NEW BUSINESS**
   a. **DEA Cooperative Agreement**
      Deputy Chief Wood

   b. **Downtown Public Space Management Pilot**
      Paul Fetherston

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

NEXT MEETING: September 26, 2016, 3:30 P.M., 4th Floor Training Room, Municipal Building

ADJOURNMENT

For more information on the Public Safety Committee, please contact Alex Carmichael at 828-259-5602.

STAFF REPORT

TO: Public Safety Committee DATE: July 27, 2016

FROM: Tammy Hooper
Chief of Police

PREPARED BY: Jim Baumstark,
Deputy Chief

VIA: Paul Fetherston, Assistant City Manager

SUBJECT: Food Lion Skate Board Park

Summary Statement: The purpose of this report is to provide an update of reported activity at the Food Lion Skate Board Park since the elimination of an Asheville Parks and Recreation (P&R) staff member assigned to monitor the area.

Review: The P&R eliminated the staff member from the Food Lion Skate Board Park ("Park") at the end of 2015. The Asheville Police Department (APD) was asked to monitor the Park and advise if the elimination of the P&R member resulted in any increased crime in the Park or the surrounding area.

APD has always maintained Food Lion Skate Board Park as a location to check on routine patrol and when time permitted. When the P&R staff member was eliminated, APD patrol officers in the area were asked to continue to keep an eye on the surrounding area of the park.

A six month (January 2016 – July 2016) report of activity and calls for service in the Park and surrounding area revealed very little activity. The largest number of calls were for officers' proactive crime prevention walks around the park. There was one call for alleged illegal drug activity, but that call did not lead to an arrest of any individuals. No illegal activity was observed in the 20 proactive crime prevention walks.

There were eight documented cases of vandalism, five of which was damage to the outside water fountain and three reports of minor damage to the restrooms. This is not an increase in vandalism for not having staff on site. Annually the skate park has on average between ten and sixteen occurrences of vandalism per year.

APD will continue to monitor the Park on routine patrol as time permits. The elimination of the P&R staff member does not appear to have had a negative impact on illegal activity in the area.

APD Call for Service in general location of Food Lion Skate Park

Row Labels	2016-01Jan	2016-02Feb	2016-03Mar	2016-04Apr	2016-05May	2016-06Jun	2016-07Jul
ABANDONED VEHICLE				1			
BUSINESS B&E			1				
CONTACT PUBLIC						1	1
CRIME PREVENTION	3	8	2	3	2	2	
DAMAGE TO PROPERTY		2					1
DRUG CALL				1			
FOLLOW UP INVESTIGATION				1			
LARCENY REPORT					1	2	1
PERSON DOWN				1			
SIMPLE ASSAULT						1	
SUSPICIOUS PERSON	1	4	1	6	2	6	
VANDALISM IN PROGRESS	1						
VANDALISM REPORT	2		1				2
WELFARE CHECK			1				1
Grand Total	**7**	**14**	**6**	**13**	**5**	**12**	**6**

STAFF REPORT

To: Mayor and Council Members Date: September 6, 2016

From: Chief Tammy Hooper Prepared by: Deputy Chief Wood
Administration Bureau

Via: Gary Jackson, City Manager

Subject: US Drug Enforcement Administration Cooperative Agreement

Summary Statement: The Asheville Police Department (APD) requests that City Council authorize the City Manager to enter into a renewed agreement between the United States Department of Justice, Drug Enforcement Administration (DEA) and the City of Asheville Police Department (APD) which is set to expire September 31, 2016.

Review: The APD has been an active member of the DEA Task Force at the Asheville Duty Post for several years. The DEA Task Force is a multi-jurisdictional unit that partners to address the illegal trafficking, sale and distribution of narcotics and dangerous drugs in Western North Carolina. The goal of the targeted reduction of such activities is to have a positive impact on the health and general welfare of our communities. As a member of the DEA Task Force the APD agrees to the following:

- APD will assign one experienced officer for at least 2 years, to work under the direct supervision and control of the DEA supervisory staff.
- APD staff will be required to adhere to the Policy and Procedures of the DEA as well of those of the City of Asheville, and the APD,
- Assigned APD Staff will be deputized as a Task Force Officer of DEA pursuant to 21 U.S.C 878

To accomplish the objectives of the Asheville Duty Post (Task Force) the DEA will assign 3 Agents to the Task Force. Additional DEA support, based on availability of annually appropriated funds, will provide funds and necessary equipment to support the Task Force Members activities. Such support will include: office space, office supplies, travel funds, funds for confidential informants and evidence procurement, training expenses, investigatory equipment, and other support items as needed.

This action aligns with the 2036 Council Vision in the following areas:

1) Connected and Engaged Community by enhancing the police-community partnerships by joining the USDOJ DEA to form the Asheville Post of Duty Task Force, the police department and member law enforcement agencies will partner to address community concerns and to address the illegal trafficking, sale and distribution of narcotics and dangerous drugs in Western North Carolina.

Pros:

- Establish a dedicated Task Force to address the illegal trafficking, sale and distribution of narcotics and dangerous drugs in Western North Carolina.
- Foster an atmosphere focusing on reduction of such activities and to have a positive impact on the health and general welfare of our communities by reducing or eliminating illegal drugs and related crimes.

Cons

- None.

Fiscal Impact: Salary and benefits for a Senior Police Officer position assigned to the DEA Task Force Asheville Duty Post, which are already included in the Adopted FY 2016-17 Police Department Budget.

Recommendation: Staff recommends that City Council approve the attached resolution authorizing the City Manager to renew an agreement United States Department of Justice, Drug Enforcement Administration (DEA) and the City of Asheville Police Department (APD) which is set to valid through September 30, 2017.

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Attachment:
(1) Resolution
(2) 2016-17 Cooperative Agreement

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE TO STAFF AND CONTINUE THE DRUG ENFORCEMENT AGENCY ASHEVILLE DUTY POST TASK FORCE.

WHEREAS, pursuant to N.C.G.S. §160A-11, municipalities may contract and be contracted with; and

WHEREAS, the City and the United States Department of Justice Drug Enforcement Agency ("DEA") desire to enter into an agreement whereby the Asheville Police Department will provide an officer to work full-time with the DEA's Asheville Duty Post Task Force ("the Task Force"); and

WHEREAS, the DEA will be responsible for the Task Force's funding, training, office supplies and necessary investigatory equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement on behalf of the City of Asheville with the DEA whereby the City will provide one officer to work full-time with the DEA's Asheville Duty Post Task Force.

Read, approved and adopted this the 6th day of September, 2016.

_____ _____

CITY CLERK MAYOR

APPROVED AS TO FORM:

_____

CITY ATTORNEY

Downtown Public Space Management

Public Safety Committee

August 22, 2016

Downtown Public Space Management

SHORT TERM STREET PERFORMANCE PILOT PROPOSAL

- Two High Impact Areas
- Performances must take place within designated spaces
- No other performance may take place within 140 feet of designated space
- Implementation in October 2016
- Monitor pilot through June 2017
- Report back to Public Safety Committee in July 2017

Long Term Proposal Development

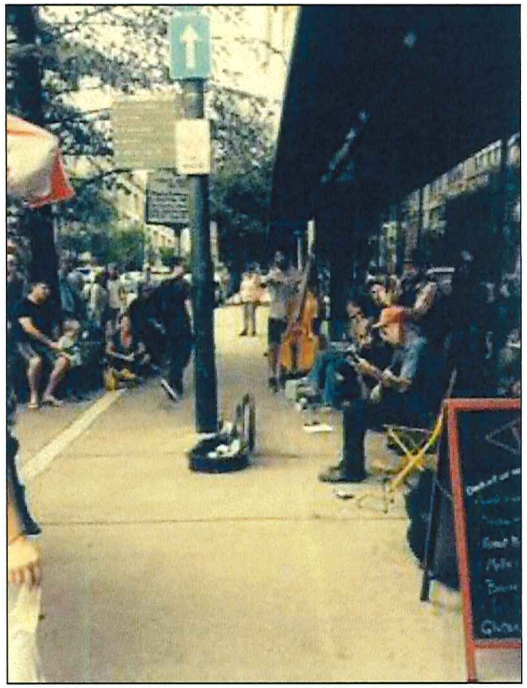
- Dependent upon short term pilot
- Next steps identified in July 2017

Downtown Public Space Management

SHORT TERM STREET PERFORMANCE PILOT PROPOSALS

Locations

- Woolworth Walk
  - Recommended by staff and stakeholders
  - Space designated by artistic symbol
  - ABC opposes performances within artistic symbol
  - 140 foot distance requirement would eliminate current performance location at Patton/ Haywood (Spiritex)



Downtown Public Space Management

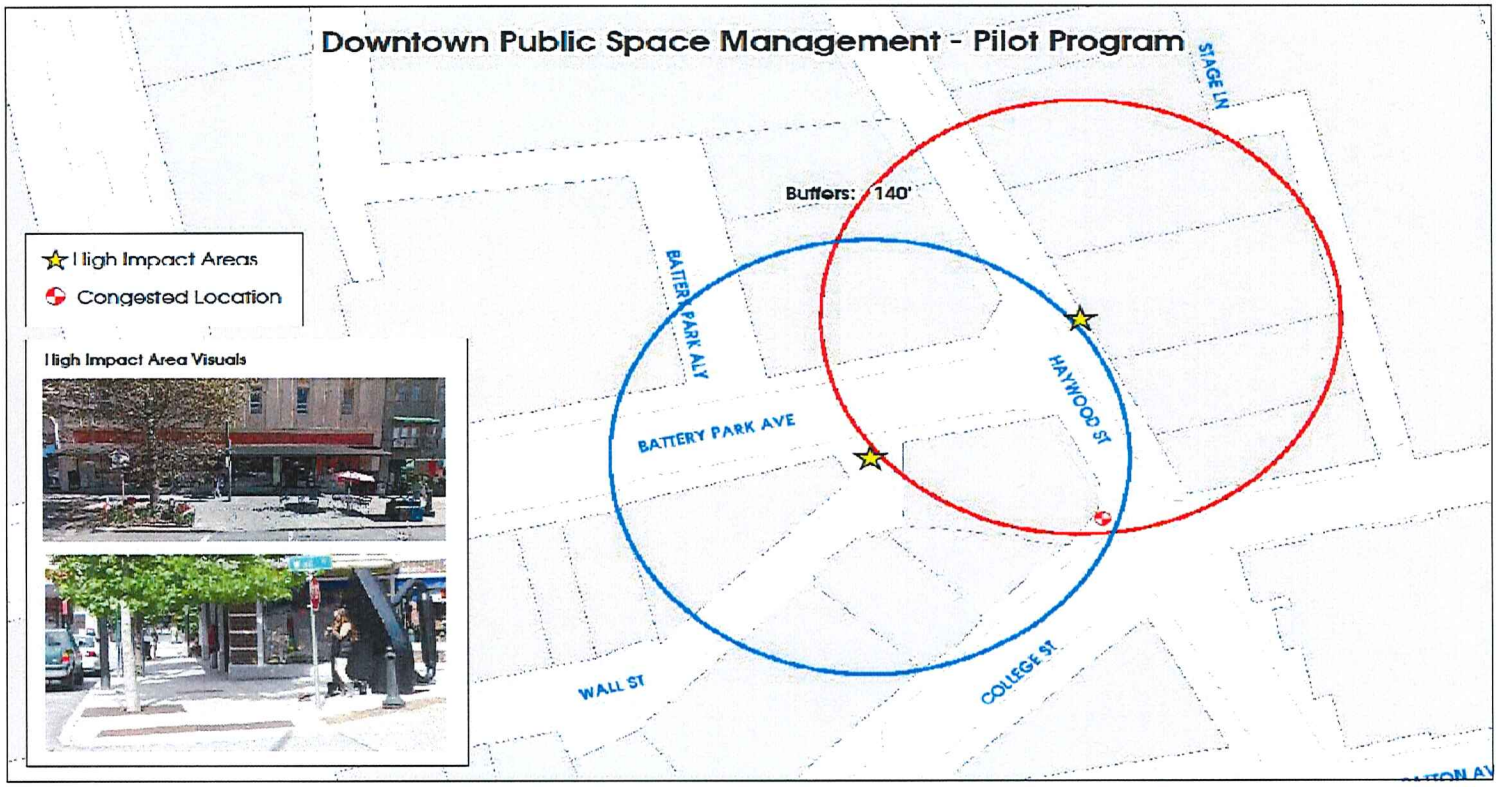
SHORT TERM STREET PERFORMANCE PILOT PROPOSALS

Locations

- Flat Iron Sculpture (Battery Park/ Wall)
  - Second location recommended by stakeholders
  - Performance space designated by artistic symbol
  - ABC opposes performances within artistic symbol
  - 140 foot distance requirement would eliminate current performance location at southwest corner of Battery Park/ Wall

Downtown Public Space Management

HIGH IMPACT AREA PROPOSAL



Downtown Public Space Management

PILOT PROGRAM PROPOSAL

ORDINANCE REVISIONS

- Street performances in other areas of Downtown would remain regulated by General Requirements in Ordinance
  - Revisions support enforcement within the high impact areas
  - Encompass findings that articulate value of street performances to Downtown; distinguishing performances from pan handling; adverse impacts of performances and minimal regulation (time place and manner) to mitigate adverse impacts
  - All performances, performers, equipment/ personal items must be in designated performance space

Downtown Public Space Management

THE CITY OF ASHEVILLE

Downtown Public Space Management

THE CITY OF ASHEVILLE

Sec. 16-141. – Definitions.

[Add]

High Impact Area means an area identified in Appendix H of this code within which sidewalk entertainment is prohibited outside of a designated Performance Space.

Performance Space means a space, designated by a marking by the City on the sidewalk, within which performers of sidewalk entertainment may conduct performances within High Impact Areas.

[Amend]
Sidewalk entertainment means performances which may include, but not be limited to, music, dance, mimes, magicians, clowns, jugglers and theatrical presentations, but specifically excluding speeches, lectures, and sermons.

Sec. 16-145. - Performers of sidewalk entertainment.

[Delete existing language and replace with the following]

Findings

(1) Artistic performances on city sidewalks are a vital and welcome part of Asheville's unique character and culture.

(2) Street performances are distinguished from panhandling activities by the commercial nature of the performer's actions which provide the benefit of a live performance of artistic value in exchange for gratuities given in appreciation of the performance.

(3) Persons have a right to perform on public property, but those performances can cause adverse impacts to the community in the form of gathering crowds attracted to the entertainment offered in locations where there is insufficient room for crowds; blocked sidewalks; blocked ingress and egress of buildings; the risk of disrupting nearby motor vehicle traffic; and/or disturbance of the quiet enjoyment of residents and businesses.

(4) Such adverse impacts can be mitigated or alleviated through minimally intrusive regulation of the time, place, and/or manner in which such performances may occur. Such regulation ensures the ability of street performers to perform in public spaces and promotes harmony among street performers, local businesses, permitted event sponsors, and residents and visitors by balancing the interests of performing artists with the public's safety.

(A) General Requirements

Unless prohibited elsewhere in this code, performers of sidewalk entertainment may utilize sidewalks for performances subject to the following conditions:

1. Performances must not violate the prohibitions on disturbing, annoying and unnecessary noise as set forth in Article IV of Chapter 10 of the City Code.

2. Performances must not violate the prohibitions on solicitation as set forth in City Code sections 11-5 and 11-14.

3. Performances must not obstruct, or cause to be obstructed, pedestrian or vehicular traffic, including but not limited to, not obstructing or causing to be obstructed sidewalks, doorways or other access areas. Performances must provide a minimum of six (6) feet for pedestrian passageway. Performances must cease if persons are observing a performance from a street.

4. No performer may sell, display or exhibit any tangible good on any city sidewalk. This prohibition includes the exchange of any goods, wares, merchandise, mechanical devices, animals, or any article of any kind whatsoever, by whatever name called, in exchange for a fixed or non-fixed price.

5. Performances must only take place between the hours of 10:00 a.m. and 10:00 p.m.

6. Performers of sidewalk entertainment must not consume or be under the influence of alcoholic beverages or other controlled substances.

7. Performances, outside of High Impact Areas identified in Appendix H, must not take place any closer than 40 feet from another performance.

8. Performances must not take place at locations designated for a community event or festival, unless permitted to play at the community event or festival by the event or festival coordinator, pursuant to section 16-97 of the City Code.

9. Performances must comply with all applicable federal, state and local laws, including but not limited to, ordinances concerning noise regulation.

10. Performances involving the use of knives, swords, torches, axes, saws (except non-powered saws used solely as musical instruments), fire or other potentially dangerous objects or that involve acrobatics, tumbling, or other inherently dangerous activities are prohibited.

(B) Special Requirements in High Impact Areas

1. In addition to the general requirements set forth above, the following conditions shall apply at any location designated as a High Impact Area as identified in Appendix H:

   a) All performances must take place only within designated performance spaces. No other performance may take place within 140 feet of any designated performance space.

   b) All performers associated with a performance must remain entirely within the performance space.

   c) No equipment or personal items belonging to, or in the custody, possession or control of any performer may protrude beyond the performance space.

   d) No equipment or personal items may be present in the performance space if a performer is not also present in the performance space. All equipment and personal items must be removed from the performance space at the conclusion of each performance. Any personal items left unattended in a performance space by a person or group not physically present and preparing to perform, performing, or diligently removing equipment from a performance space following a performance will be deemed abandoned and may be disposed of by City personnel.

APPENDIX H – DESIGNATED STREET PERFORMANCE HIGH IMPACT AREAS

1. **"WOOLWORTH WALK" -** One hundred (140) feet in all directions from the center of a mark on the sidewalk adjoining the eastern side of Haywood Street approximately [Distance] feet north of the intersection of Haywood and College Streets.