



PUBLIC SAFETY COMMITTEE
October 26, 2015 3:30 P.M.
4th Floor Training Room, Municipal Building

CURRENT COMMITTEE MEMBERS:

Jan Davis, Chair
Chris Pelly

Cecil Bothwell

AGENDA

CALL TO ORDER

1. APPROVAL OF MINUTES

2. UPDATES

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

3. NEW BUSINESS

- a. Naming of Fire Station 8**
Scott Burnette, Fire Chief
- b. Consideration of Low Speed Vehicle Shuttle Service Franchise Agreement**
Ken Putnam, PE, Transportation Department Director

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

NEXT MEETING: November 23, 2015, 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: October 26, 2015

Via: Gary Jackson, City Manager

From: Paul J. Fetherston, Assistant City Manager
Dawa Hitch, Communications and Public Engagement
John Maddux, Assistant City Attorney
Sasha Vrtunski, Urban Planner II

Subject: Downtown Public Space Management – Update and Next Steps

Summary: The purpose of this agenda item is to provide the Public Safety Committee (Committee) with an update on and next steps related to the on-going dialogue regarding public space management in the Downtown/ Central Business District (Downtown).

Review: Over the past year, the Committee has worked with staff and stakeholders within the community to develop a multi-faceted approach intended to address the management of public space within the Downtown. One of the initiatives undertaken was the development of a Downtown Enhancement Plan by the Asheville Police Department which has been in place since July 2014. Since that time, the Committee has received and will continue to receive periodic updates.

Another initiative was a review and analysis of street performances and sidewalk vending as components of the overall Downtown public space management. The Committee considered research, analysis and recommendations on this issue in September 2014 and April 2015. Following a presentation of information in April 2015, staff was directed to continue to research options and make recommendations regarding these components of the overall public space management in the Downtown. In August 2015, for discussion purposes, the Committee was presented with potential actions steps. At that time, the Committee asked that staff continue the dialogue regarding the topic with stakeholders such as Downtown businesses, the Downtown Association, Asheville Busker's Collective, Downtown Residential Area Neighborhood (DARN), and Coalition of Asheville Neighborhoods (CAN).

On September 22, a small group stakeholders meeting was held. The group discussion – facilitated by City staff, explored ways to balance public safety concerns and uses of public space that contribute to the dynamic downtown environment and make Asheville such a unique place to live, work and visit. The meeting provided an opportunity to collect valuable input and illustrated the complexity of the undertaking in which relationships between uses must be respected. A copy of the formal notes from the meeting, along with additional input submitted by the Asheville Busker's Collective, is attached.

Next Steps: Staff will continue to review the input and develop options for further consideration by the small group stakeholders at a meeting to be scheduled by the end of December. In addition, staff is exploring opportunities to utilize long range master planning in an effort to manage the active and vibrant public spaces within the Downtown. The outcomes of the next small group stakeholders meeting, as well as decision points regarding long range master

planning, will help inform the process moving forward. Staff will continue to keep the Committee and stakeholders informed.

ATTACHMENTS:

Management of Downtown Space Small Group Stakeholder Meeting Notes – September 22, 2015

Asheville Busker's Collective Stakeholder's Meeting Notes – September 22, 2015



**Management of Downtown Space Small Group Stakeholder Meeting
September 22, 2015
Meeting Notes**

MEETING PURPOSE:

As a group, explore and collect input on strategies/actions to balance public safety concerns and uses of public space in ways that positively contribute to a vibrant and safe downtown Asheville.

Small group discussion responses:

What opportunities and challenges do you see with respect to the pilot program idea presented by staff?

Opportunities	Challenges
Another tool/symbol to mark areas for busking	Boxes are demoralizing
Denote zones by a symbol	Buskers won't stand in a box
Create a system that creates space between performers	Boxes too small for bands, bands will go elsewhere and cause the same concern
Create special performance spaces/zones around areas where there is enough public space	Travelers attracted to AVL b/c of regulations enacted by other cities - wearing permits plummets tips
Designate multiple areas where the activity should occur	100 ft. distance is too much
Permit but without a lot of limitations	One person act and one set up in front of Rhubarb won't draw a crowd
"Semi" permit – just for high traffic spots as an alt. trial/pilot. Allow buskers to "learn" by not preventing bad busking. Give travelers more opportunities if they will have better behavior	No consideration of non-audible acts
Permit for sales, Sav. GA – working artist permit (services), different permit for sales of music with restrictions on places – non competitive for business	
Consider Spiritex Corner	
Consider categories of performers as outlined in ABC proposal	

How do we maintain a safe physical environment among multiple users?

- Create more pedestrian space by:
 - Extending sidewalk space in the high impact areas
 - Creating some pedestrian only streets
- Concern about overcrowding at specific locations (Pack Sq/Patton/Biltmore Corner)

- Research other cities such as New Orleans
- Public restroom availability
- Keep parking spaces available
- Adjust city service schedules to align with when the greatest # of people are present in downtown
- Engage CVB to be partners in programming/marketing
- Performance zones:
 - Consider specific zones for street performances; Would the downtown need more than 8 spaces?
 - Look at all uses in the performance zones and balance uses
 - Consider parking decks, other options
 - Seek to separate busking spaces to create safe zones between them; expand safety
 - Engage street performers to create exciting performance zones. These spaces/could be the generator of the traffic and not just react to where the traffic is

How to maximize, ensure, and/or preserve an environment for street performances? What is the process for permitting/allowing the sale of goods? How do we distinguish between performers and panhandlers?

- Police consistent in enforcement – some are allowed creating us/them
- ADA willing to try to a shutdown for events/performances
- Permitting makes accountability for all
- Study nature of space; location of street furniture; parking spaces; crosswalks; accessibilities; sharing businesses
- Could focus on performance zones – good for artists/performances, safety; permitting
 - Open spaces use for busking? Parks?
 - Create a space to go see buskers
 - Moving the problem of congestion
 - Encourage busking on Wall Street
 - Use parking spot and play in the spot facing sidewalk
- Opportunities to sell goods and services
 - Permitted area to sell wares legally
 - Permit opportunity to sell wares for a day
 - Get businesses to sell on behalf of buskers

How do we assure accessibility to businesses?

- Permitting
- Performance zones (taking into account residents, businesses, performance)
- Work with CVB on marketing the areas (performance zones)
- Businesses need to ask buskers to maintain access to restaurants and businesses

How do we better utilize public spaces as part of the solution?

- Friendly law enforcement presence
- Expand pushcart program into parks – buskers could sell their music
- Performance zones in addition to open busking
- Activate Pack Square for more uses such busking and sales

How to assure/manage issues with dogs?

- Create a sense of pride in the space downtown
- Expand waste program by making more bags accessible to more people including store owners
- Increase waste receptacles

How do we manage noise in an enforceable way? How do we address amplification?

- Have a busker liaison to help monitor noise level (Santa Monica)
- Balance noise
- No amplification – some interest in creating a no-amplification policy that would include time of day guidelines

How do we create an environment where people want to behave within the law? How do we ensure police enforcement is consistent?

- Recognize we are all stakeholders in the hospitality industry
- Benevolent, friendly presence (law enforcement)
- Use consistent park/police presence to address aggressive behavior in Pritchard Park
- Encourage good busking
- Permitting street performing
- People need transparency; permitting helps with transparency

ASHEVILLE BUSKERS COLLECTIVE
STAKEHOLDER'S MEETING NOTES
(from Sept 22nd meeting)

1. SIDEWALKS. We feel as if it is important to focus on widening sidewalks and fixing the pinch areas first and foremost. Public safety and pedestrian safety can be an issue at some of these spots despite a busker's presence. We feel there are several options and opportunities available to do so at very little cost or resources. It is important to keep our buskers on the sidewalks where they belong. Our buskers at this time feel like there may be opportunities in the parks in the future, but serious reform of those parks and possible advertising would have to happen to make them viable spots for busking. At this moment, a majority of our buskers do not wish to play within our parks system. Busking majorly happens on the sidewalk, and passer-by traffic is required to earn an income.
 - As one example, we could widen the pack square area by moving the curb line back a few feet, straightening the line of the road there. This would leave space still for the two parking spots that are there, plus possibly leave room for a third spot. This generates more area than a box on the sidewalk would save, and keeps our buskers where they belong.
2. NOISE. We would like to find a way to effectively regulate the volume of buskers, and not just the source of the volume. Acoustic groups/buskers can have the same volume as amplified buskers. Perhaps another look at the current most effective way of measuring sound should be brought back to the table... the use of decibel meters. The technology has become advanced, and the devices are very effective. This takes the guesswork out of the equation.
3. BUSKER LIASION. The majority of our buskers are satisfied with the thought of having a busker liaison.
4. PARTIAL PERMITS. A good number of our regular local buskers have voiced that they would be satisfied with partial permits. The ABC wants to ensure that everyone has a chance to play. There have been questions popping up since the discussion, although they are open to the idea. Many buskers wanted to know who would be in charge of these permits, if they would cost money, and how easily they would be obtained. One busker asked "Can other musicians play with me if I have a permit?" Also voiced was that they did not want there to be limits as to the number of permits given out, and that permits should probably only be in effect during tourist season (daylight savings).
5. CD SALES. Our musical buskers want to sell CDs on the sidewalk where they play. The ability to sell CDs is a very important issue to a majority of our buskers. While the ability to sell merchandise in the parks is a giant step in the right direction, this would not help our musical buskers until the parks were cleaned up, as the majority of the musical buskers are unwilling to play within the parks system as it stands right now. Our buskers are willing to pay a fee for such a right, or have it be part of the semi-permitting of certain spots as mentioned above.



STAFF REPORT

To: Asheville City Council
Public Safety Committee

Date: October 26, 2015

Via: Gary Jackson, City Manager

From: Scott Burnette, Fire Chief

Subject: Naming of Fire Station 8

Summary Statement: The consideration of naming Fire Station 8 after City of Asheville Firefighter Jimmie Edward Trent.

Review: City of Asheville Firefighter Jimmie Edward Trent died November 13, 1975. He suffered a heart attack from fighting a fire at the Red Chair Restaurant at 1 North Pack Square. The Asheville Fire Department requests that Firefighter Trent be honored by naming City of Asheville Fire Station 8 after Jimmie Edward Trent. This action complies with the City of Asheville's Public Property naming policy.

Pros:

- Having a City of Asheville owned facility that has been named to honor a public servant who has died in the line of duty is an ultimate recognition of their public service and sacrifice.

Cons:

- None have been identified or known at this time.

Fiscal Impact: The purchase of a plaque commemorating the naming would be the associated expense to this consideration.

Recommendation: Staff recommends that the Asheville City Council name Fire Station 8 after Jimmie Trent.

RESOLUTION NO. _____

RESOLUTION NAMING CITY OF ASHEVILLE FIRE STATION NUMBER EIGHT IN HONOR OF FIREFIGHTER JIMMIE EDWARD TRENT

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities, and

WHEREAS, City of Asheville Firefighter Jimmie Edward Trent tragically perished in the line of duty on November 13th, 1975, from a heart attack while fighting a fire at the Red Chair Restaurant at 1 North Pack Square, and

WHEREAS, Asheville City Council would like to honor Firefighter Trent's honorable service and sacrifice by naming City of Asheville Fire Station Eight after him, and

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

City of Asheville Fire Station Eight is named after City of Asheville Firefighter Jimmie Edward Trent.

Read, approved, and adopted this xxth day of November, 2015.

City Clerk

Mayor

Approved as to form:

City Attorney

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RESOLUTION NO. 14-55

RESOLUTION ADOPTING A POLICY FOR THE NAMING OF PUBLICLY OWNED PROPERTIES

WHEREAS, the City of Asheville has the desire to have a written policy for the naming of publicly owned properties; and

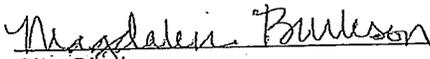
WHEREAS, the City of Asheville desires to recognize noteworthy individuals and/or organizations that have served the community with honor and distinction; and

WHEREAS, the City of Asheville staff have investigated best practices regarding policy of naming publicly owned properties that has resulted in a submitted formal written policy;

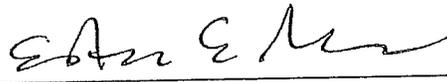
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of Asheville adopts the attached policy for naming publicly owned properties.

Read, approved and adopted this 25th day of March, 2014.



City Clerk

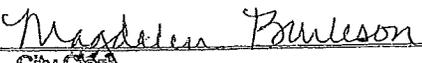


Mayor

Approved as to form:



City Attorney



City Clerk

Policy for Naming Publicly Owned Properties

Purpose - The Asheville City Council (herein referred to after as Council) believes that the naming of public property such as buildings, parks, squares and greenways is a matter of great importance and deserves careful and deliberate consideration. The Council, therefore, establishes this policy to establish a systematic and consistent methodology for the naming of City-owned property.

Applicability - This policy shall apply to all City of Asheville owned property subject to the care, custody and control of the Council, or their designated authorities. Such property is comprised of all the real estate and personal property owned by the City of Asheville.

Policy - When considering the naming of any public property or portion thereof, the Council may consider the following guidelines:

- Priority should be given to names carrying geographical, historical or cultural significance to the area in which the property is located or to the City of Asheville as a whole.
- Property may be named after an individual when the individual has a historical association with the property, the area in which it is located in the City of Asheville as a whole, or where the individual played a leadership role in the City of Asheville, such as through distinguished service in the military, law enforcement, firefighting or public service. Quality of contribution in these areas may be considered along with length of service.
- Property may be named after an individual or organization that has made significant financial or civic contributions to the City of Asheville, or has made a direct financial grant to the City of Asheville for purposes of developing a particular property:
- Names should be chosen in a manner that avoids duplication, confusing similarity or inappropriateness.

Suggestions for the naming of any of any public property or portion thereof may come to the Council from any City of Asheville Department Director or official or any member of the public. Any proposal from the public or otherwise, can bring their request forward to either the Mayor or City Manager or any three members of Council, as is the normal process for placing items on the agenda

Prior to voting on a name, the Council may solicit the advice of surrounding property owners, residents, affected parties, other City officials or anyone else that the Council believes can contribute meaningful input.

The naming of any property or portions thereof shall require a majority vote of the Council members present.

This policy is only a guide and nothing herein shall be construed so as to limit the Council's authority to use its discretion based on the facts and circumstances surrounding a particular issue.

This policy may be amended or rescinded by the Council by majority vote.

STAFF REPORT

To: Public Safety Committee Date: October 26, 2015
Via: Gary Jackson, City Manager
From: Ken Putnam, PE, Transportation Department Director
Subject: Low Speed Vehicle Shuttle Service Franchise Agreement

Summary Statement: The consideration of an ordinance granting a franchise agreement for the operation of a low speed vehicle shuttle service within the City of Asheville.

Review: City staff has been working with an individual that is interested in starting a low speed vehicle shuttle service within the City of Asheville under the business name of Land of Sky Shuttle. The service would operate in the downtown Central Business District (CBD) on city-maintained and state-maintained streets that have a posted speed limit less than 35 mph.

By definition (NCGS # 20-4.01(27)h), a low speed vehicle is a four-wheeled electric vehicle whose top speed is greater than 20 mph but less than 25 mph. It is **not** a golf cart! The vehicle(s) must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number. In addition, the vehicle(s) must be insured, registered and licensed in North Carolina.

The shuttle service will operate between the hours of 9:00 am and 3:00 am Monday through Friday and between the hours of 7:00 am and 3:00 am on Saturday and Sunday. The City reserves the right to change the hours of operation at its sole discretion with a 30-day notice. The shuttle service will provide alternative transportation services to and from the various downtown hotels to various points of interest in the downtown central business district in an effort to minimize traffic congestion and the need for parking.

The individual has worked closely with the Transportation Department, the Legal Department, and the Asheville Police Department and at this time, all concerns have been addressed. The individual is very committed for the shuttle service to be successful and he intends to work closely with staff to make any necessary tweaks if needed.

This action complies with the City Council's Strategic Operating Plan in the Economic Growth and Sustainability Focus Area 1 by creating economic development and community investment opportunities through partnerships, planning, and incentives.

Fiscal Impact: There is no known fiscal impact for the subject franchise agreement.

Recommendation: Staff recommends that the Public Safety Committee endorse and move forward to City Council for consideration an ordinance granting a franchise agreement to Land of Sky Shuttle for the operation of a low speed vehicle shuttle service within the City of Asheville.

Please let me know if additional information is needed.

KP/

Attachment

