CHARLOTTE

Charlotte City Council
Community Safety Committee
Meeting Summary for February 16, 2011

COMMITTEE AGENDA TOPICS

I. Subject: **FY2012 Focus Area Plan**
Action: Motion to adopt the FY2012 Focus Area Plan as amended passed 3-1 (Cannon, Barnes, Dulin – for and Kinsey – against)

II. Subject: **Noise Ordinance**
Action: None

III. Subject: **Reschedule March 16 Meeting**
Action: Tentative date of March 21 at 2:00 p.m.

COMMITTEE INFORMATION

Present: Patrick Cannon, Patsy Kinsey, Michael Barnes, Andy Dulin, and Edwin Peacock
Time: 12:05 pm – 1:30 pm

ATTACHMENTS

1. Agenda Package
2. Focus Area Plan Handout

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves.

I. FY2012 Focus Area Plan

Chairman Cannon said that this item was discussed during the recent Council Retreat. He then turned it over to Assistant City Manager Eric Campbell. Mr. Campbell passed around a handout (copy attached) that outlines the discussion held during the Council Retreat. There wasn't a lot

of feedback and he thought that most were comfortable with where the Committee had landed overall. He then began reading through the bullet points.

At the Retreat, Council member Nancy Carter had questions about Initiative III, B (1), which identified 65 neighborhoods. Her recommendation was to change that to a percentage so it would be more consistent with the other measures laid out. He said the CMPD staff had actually been looking at revising that measure to convert over to a percentage and that language is shown on the handout.

The second bullet reflects Council member Warren Cooksey's concern about the tagline "Charlotte will be America's safest community." His comment centered on national measures and that we don't have national measures included in the Focus Area Plan to support the tagline. He requested that to be looked at.

Council member Edwin Peacock requested to insert a Fire measure regarding the percentage of alarm first due responder companies on the scene within 6 minutes of a call received. That was in last year's Plan and Chief Hannan also would like that added back in. They feel that it's an important measure.

Dulin: Where would the Fire Department measure go?

Campbell: It would go in Initiative I.

Cannon: So, if it pleases the Committee, I think we should add that measure back in. I also think we should add in the wording under the first bullet that talks about completion of 75% of the projects that would take place in the neighborhoods, which would replace the whole number of 65 projects. That addresses Council member Carter's concern. Is the Committee okay with adding those back in to the Plan?

Dulin: It's fine with me.

Kinsey: I just want to say I'm a "no" vote on this. It's way too long. It's appropriate as a working document for the Police Department and the Fire Department, but I don't believe it is our Focus Area Plan. It shouldn't be this detailed. I thought what Mr. Campbell came up with regarding the broader headings was great, but then we mess that all up with all these measures and targets.

Dulin: Community Safety is our number one priority on this City Council. I feel comfort in having a document that our community safety staff is comfortable with and something they can work from. There are other Focus Area Plans for other things that are shorter, but I've read this and if we can make this happen we would have a heck of a year. Regarding the comment from Council member Cooksey about that tagline, I'm very comfortable with working towards making Charlotte the safest community in America. I think we should leave that alone and not move on it today.

Cannon: I share the same sentiments. We asked staff to get this first page down to one page,

which they did. The focus area initiatives are in keeping with what's always been. There is no change in that. We've always had initiatives. What we haven't had is how it's spelled out in this document. Is there any more discussion on this and if not, is there a motion?

Dulin: I make a motion that we adopt the 2012 Community Safety Focus Area Plan with the change of the completion of 75% projects and the addition of adding the Fire measure back in.

Barnes: I'll second.

Motion passed 3-1 (Cannon, Barnes, Dulin – for and Kinsey – against)

Campbell: This is the document, with the amendments, that we will prepare to move forward for the full Council.

(Council member Peacock entered the meeting)

II. Noise Ordinance

Chairman Cannon stated that there are a lot of interested parties on this item and many of them are represented here today. Today is the first day viewing an amended Noise Ordinance (copy attached) and he stated that he hoped at a future meeting they could allocate time for people to have comments delivered to the Committee. Mr. Campbell reminded the Committee that staff has been working on this for quite some time and are at the point where they have a draft ordinance available. He stated that he and the City Attorney had discussed the need to have some type of public comment because there are so many different facets to the document.

City Attorney Mac McCarley talked about the process used to get to today. They have talked with several elected officials, mainly district representatives, who hear from their constituents on a regular basis about problems with the ordinance. He said they have also been getting emails for several years from neighborhood leaders in specific parts of the City. Staff has met with internal staff from CMPD and Neighborhood & Business Services, as well as neighborhood leaders, the Hotel Association, hospitality industry groups, the Restaurant Association, Charlotte Center City Partners (CCCP), specifically impacted bars and hotels and the outdoor venue managers. Their goal has been to make this better, but it's not perfect and when the Committee gets public comment next month, they will hear from folks who still have issues.

He stated the goal is to balance this ordinance as best as they can. In predominantly residential areas, the draft tips the balance toward quieter standards. In the urban core, it tips toward accommodating urban activities. The vibrant urban core that Charlotte has developed does require different standards to deal with different issues in the downtown. Another guiding principle for this document is that CMPD requested that whatever is done, it has to be enforceable and understandable. This ordinance moves away from trying to measure decibel measurements and more towards using calendars, watches and reasonableness.

Mr. McCarley began reading and describing the "Description of Proposed Changes to the Noise Ordinance" document (copy attached). He read through Number I, which deals with amplified

noise in the right-of-way and asked for questions.

Cannon: I'd suggest you go back in an add the word "audio" in front of the word speakers so there is no confusion between that and a human speaker.

Barnes: Does Section 15-64(5) pertain to Eastern Standard Time?

McCarley: What we might want to do is change that to say prevalent time.

Barnes: Regarding the speaker issue, should we say amplification device(s)?

McCarley: We could.

Barnes: Also, for the last provision where it says "permit holder liable," liable for what?

McCarley: If we have to issue citations or seek injunctions we would like to have the organizer of the events as one who is also getting the citation.

Barnes: Should we further clarify that by saying "permit holder to be held accountable subject to legal action?" The way you and I read liable is different than the way a lot of folks define it.

McCarley: We will look at that.

Dulin: Can we define street musicians? You have protestors, street preachers and street musicians all lumped into one sentence.

McCarley: That is a short hand description for you all, but that's not the language in the actual ordinance.

Mr. McCarley continued on and read through Number II. He described the changes and pointed out this is the hottest issue of the whole ordinance. He also said that next time they may come back with wording that says "no live outdoor amplified music within 400 feet of residentially zoned and used." He said they have figured out that there are cemeteries that are residentially zoned, but they don't think noise is a problem there.

Kinsey: Does that also include if they are residentially zoned but using it for offices?

McCarley: No. Residentially zoned would not pick up mixed-use developments. If you pick up mixed-use developments, this gets much more difficult. Almost all the complaints are from traditional residential neighborhoods that are close enough to the urban core to have bars and restaurants in them.

Cannon: The key point is trying to reach a balance. For instance, you may have already existing businesses that are within 150 – 200 feet of a residential community and the economic impact that you might have on that entity is something that we will hear about in the future. What do you do to deal with the already existing businesses that will be nonconforming?

McCarley: There will be no nonconforming status. If this goes into effect, they will just have to stop the live outdoor amplified music. We have figured out that there are a number of bars and restaurants throughout the City that have amplified music outdoor on patios, but it's ambient music or mood music. Usually, it's in small speakers and heard only on that property. An example would be Harpers at the corner of Sharon and Fairview Rd. That would still be allowed. You would also still be allowed to have T.V.'s out there as long as it's not heard on residential property. You can also have live music that is acoustic. The last option is you can always take it inside. This doesn't put anyone out of business.

Cannon: If I'm a police officer and called about the noise, then I could go to the business and tell them to shut it down or lower it so the residents can't hear it?

McCarley: Yes.

Kinsey: What about the hours? A bar could run a T.V. 24/7, as long as it wasn't disturbing to the neighbors?

McCarley: That's correct.

Mr. McCarley continued and read through Number III, describing the issue. This part changes the number of hours allowed in a year and addresses doing events without a permit. This is still subject to a decibel limit of 70 db(a) measured at the nearest residentially occupied property.

Kinsey: Did the db(a) go up? Wasn't it 65 db(a)?

McCarley: For this particular permit, it's always been 70 db(a).

Kinsey: Are we going to be able to monitor this very carefully? That's been a problem in the past.

McCarley: Yes, because a lot of establishments that used to qualify for this won't qualify for it anymore. This is only if the establishment is at least 400 feet from residentially zoned property.

Dulin: Talk about the hours. In my opinion, 15 hours is nothing.

McCarley: It's probably 3 to 4 events a year.

Dulin: We have people drawing tourist to our community 52 weeks a year.

McCarley: Yes, and this draft would tilt the balance in residentially zoned and occupied areas for the neighbors and not the businesses.

Dulin: That's very restrictive to people trying to draw people to their business.

McCarley: I understand what you are saying, but when staff looked at the balance of complaints in the past we tipped the balance more toward quiet enjoyment of a residential neighborhood.

This is clearly the decision of the Committee and the Council. We are simply making a recommendation.

Dulin: Do we have any idea of the number of people who have called to complain to Council members?

McCarley: Staff has not made an effort to collect all these and count them up, but I've personally heard from 30 to 40 people in the last 5 years. It's usually around an event that runs late and on Monday morning my inbox will be full.

Dulin: If we rotate back and just have them turn it off at a particular time, would that cover it and eliminate the 15 hour limitation?

McCarley: Some of the complaints relate to Saturday and Sunday afternoon events that have been abusive in the view of the neighbors. All of these are policy questions for Council and if you all direct us to redraft in a different direction, we will be glad to.

Kinsey: I have gotten numerous calls and emails over the past 2-3 years and it's not just in one neighborhood. In my opinion, it is a problem within the neighborhood.

Dulin: We aren't talking about just Pecan Street and 7th Street. We are talking about the entire City. I'm really concerned we will overcompensate on this.

Barnes: I have no position yet, but what I understand, the reason they are recommending a set of hours is because that's the best way for us to address this through a legal construct. As we work through the ordinance, I think we will find that what Mr. McCarley is saying is true. We either are going to build some structure around the ordinance or we aren't going to change it. I don't know whether 15 hours is appropriate or not, but to address the complaints there has to be that structure. I personally have not received a lot of complaints. There are issues in the apartment complexes that Police deal with in regards to the college students, but I'm not sure that it's as severe as what Council member Kinsey hears about.

Peacock: Under Sec. 15-65 (c), I see you all have gone from 20 hours to 15 hours. I'd like to know why that is.

Danielle Strayer: The way it's been restructured is the 20 hours is being eliminated there because the 20 hours usually affects larger event venues, which will be affected and discussed in Section IV on the addendum. The 15 hours will benefit the smaller venues that were previously limited to 10 hours.

Cannon: How do you classify condos in residential areas?

McCarley: It depends on how it's zoned. It wouldn't affect U-MUD.

Cannon: So, the Green wouldn't be included because that's U-MUD?

McCarley: Correct and it's in Uptown, which will be treated differently.

Dulin: There are a lot of events at Piedmont Town Center now which are very popular. Where does that fall?

McCarley: Emily Cantrell has worked with us on understanding that issue and we would propose to amend the Public Assembly Ordinance to make it so that music events that are not part of some other kind of festival will be permitted and regulated. This mainly applies to the Piedmont Town Center events and events at the parking lot of 300 South Tryon.

Cannon: One note I hope we can carry back to CCCP is that communication is the key, so that the residents can be aware of what's going on and the hours of cut off. Is good communication currently happening?

Cantrell: It's happening when we are aware of these events. There have been a few instances in the past where there were concerts on private property and our office or CCCP was not appropriately notified. Then we are reacting, rather than being proactive to the situation.

Cannon: Don't they have to get a permit?

McCarley: No, and we are proposing that you bring them within the definition so that we would have notice.

Cantrell: To clarify, they would have been required to get an amplified sound permit from CMPD, but that's not an event permit.

Mr. McCarley continued and described the changes in Number IV on the handout which, deals with large outdoor facilities. Those would be Verizon, Roadrunner and Symphony Park. He said these facilities have been very cooperative and already have fairly significant self-imposed restrictions to monitor themselves. They are good neighbors.

Barnes: I personally would like to see the details around the Verizon because it's in my district. I've heard some complaints from one person in particular over the last 5 years, but generally speaking, there are not a lot of complaints. I think this new section will be a great addition, but I just want to make sure that they don't leave anything out and that we don't add anything in there that we don't need to.

(Council member Peacock left the meeting)

Mr. McCarley continued and discussed Number V, which deals with chronic commercial and industrial noise, for instance a racing shop that does motor pulls. The chronic commercial noise would be Uptown bars near hotels. He stated that they've received great cooperation from the businesses involved. An example of this issue would be the EpiCentre, the Ritz, and the Omni hotel. If the Suite nightclub could keep their doors closed or perhaps put up sound baffling equipment or structures, there would be less complaints coming from the Ritz. He said they think they can come up with something to be a reasonable balance between the interests of a

nightclub operating and people that have paid high dollars to stay in a nice hotel room. Another reason this will work is the addition of the Neighborhood & Business Services folks. They are great at negotiating competing interests and working out a plan.

Cannon: The Committee needs to have some level of discussion about the timeframe allotted for speakers on this subject at the next meeting. Do we allow 3 minutes or less?

Dulin: I think 3 minutes is too long for a Committee structure where we don't typically hear from citizens. We should put restrictions on the number and the time to keep this workable.

Barnes: I agree with Council member Dulin. There will also be a public hearing downstairs on the ordinance where they can all sign up. I don't see a reason for us to hear the same thing we will hear the night of Council's public hearing, especially when this Committee doesn't have the authority to pass the ordinance itself. We can only make a recommendation. My suggestion is to allot 10 minutes of the meeting. People could have one minute each. I'm not interested in an unlimited number of 3 minute speeches.

Dulin: I think it will be hard to limit to just 10 minutes of the whole meeting with so many interested parties.

Barnes: I understand, but staff has spent a lot of time with a lot of these people already and they know what they are concerned about. I'm not trying to curtail the conversation, but they will get another opportunity before Council at which point the full Council will direct us to go back to the Committee to make adjustments.

Cannon: That's the issue. I'd prefer not to have the back and forth from Council to Committee. The more we can package something to take to the body, the better off we are. I understand what you are saying though. There needs to be structure. The audience needs to come with their bullet points of what they want to say. A lot of you will be saying the same thing so it would be good if you can designate one person to speak on behalf of your group and interest.

McCarley: Can I make a recommendation to you? Mr. Campbell and I know which pieces of this are a bonfire ready to be lit and which aren't. Would you allow us to come back to you with a tailored suggestion? You have 5 or 6 different issues, but my guess is the outdoor venue group will stand up and say they are fine. There are others that are more difficult and you will need to hear it out and find the balance for yourself, as a Committee, between the neighborhoods and the bars and restaurants in neighborhoods. I would suggest you let us come back to you with a tailored proposal of where you spend your time listening because that issue needs more time than everything else.

Cannon: That's fine, but I would still suggest that the industry work together with you to help streamline the number of minutes that we allocate.
(Council member Barnes left the meeting)

Dulin: I'm really concerned about the 15 hour limit, the 400 feet from a residence and I don't want to discount the chronic commercial noise. I'd like to dial in on the noise mitigation plans.

Kinsey: I agree with Mr. McCarley. We know what the issues are and I think if we can focus on those then we can move ahead. If we open this up for everyone to speak, it will be a lot of repeat information that we already know.

III. Reschedule March 16 Meeting

Chairman Cannon stated that the regularly scheduled meeting date conflicts with NLC so they need to look at a new date. Council member Dulin requested the timeline on this. Chairman Cannon said they would like to operate within March 28 timeframe. Mr. McCarley said there is pressure from neighborhood groups to get this figured out and handled prior to the warm weather that will bring out the start up of the outdoor music. After discussion the next meeting was tentatively scheduled for March 21 at 2:00 p.m.

Meeting adjourned at 1:30 p.m.

Community Safety Committee

Wednesday, February 16, 2011; 12:00 – 1:30 pm
Room 280

Committee Members: Patrick Cannon, Chair
Patsy Kinsey, Vice Chair
Michael Barnes
Andy Dulin
Edwin Peacock

Staff Resource: Eric D. Campbell

AGENDA

I. <u>FY2012 Focus Area Plan</u>
Staff Resource: Eric Campbell
The Committee will continue discussions on the proposed FY2012 Community Safety Focus Area Plan and consider comments made during the recent City Council Retreat.
<u>Attachment:</u> 1. FY2012 Draft Focus Area Plan

II. <u>Noise Ordinance</u>
Staff Resources: Mac McCarley & Bob Hagemann
Staff will provide the Committee with proposed revisions to the current Noise Ordinance and facilitate discussions regarding community noise issues. No decisions or recommendations are requested at this meeting.
<u>Attachment:</u> 2. Noise Ordinance
3. Description of proposed changes

III. <u>Reschedule March 16 Meeting</u>
Staff Resource: Eric Campbell
The Committee is asked to look for a new meeting date in March since the March 16 date conflicts with the NLC Congressional City Conference.

<u>Next Scheduled Meeting</u>: TBD

Distribution: Mayor/City Council, Mac McCarley, Jon Hannan; Curt Walton, City Manager, Stephanie Kelly; Leadership Team, Rodney Monroe

FY2012 Strategic Focus Area Plan - **DRAFT**

"Charlotte will be America's safest community"

Community Safety is a major priority for the City of Charlotte. The cornerstone of the City's community safety philosophy is based on crime and fire reduction, prevention, collaboration, and the innovative use of technology. The City's police and fire services are delivered by a skilled and professional work force sensitive to the needs of the community and the citizens they serve.

The Charlotte-Mecklenburg Police Department and the Charlotte Fire Department take a community based approach to reducing crime and promoting fire safety. Police are highly visible in all areas of the city and use data driven deployment of their resources to respond to emerging crime trends and target chronic offenders. The Fire Department aggressively investigates all incidents of arson and targets chronic arson offenders.

Crime and fire prevention are critical components of Charlotte's community safety strategy. Police officers and fire fighters build active partnerships with citizens and businesses to give everyone a stake in making Charlotte America's safest community. The Police and Fire Departments are actively engaged in community education and in addressing the conditions that are enablers of crime and accidental fires. Both Police and Fire actively engage community youth with prevention programs that assist them in making positive life choices and help them to become productive citizens.

Charlotte's Police and Fire Departments collaborate with each other and a variety of partners to leverage resources and address community priorities. Police partner with other federal, state and local law enforcement agencies to deal with crime problems such as gangs and drugs and work with other agencies in the local criminal justice system to take the worst offenders off Charlotte's streets. The Fire Department collaborates with agencies throughout the region to ensure emergency preparedness for natural and man- made disasters.

The City of Charlotte supports the innovative use of technology in building a safe community. The Charlotte-Mecklenburg Police Department is recognized as a national leader in the use of technology to reduce crime and more efficiently deploy resources. Police and Fire are collaborating on the consolidation of their computer aided dispatch systems to enhance their efficiency in handling emergency calls.

The City's community safety personnel are the most valuable and visible asset in both the Police and Fire Departments. Both departments strive to recruit and retain workforces that reflect the diversity of the community and inspire confidence through their skill, professionalism and their commitment to public service.

Community Safety

I. CS. Focus Area Initiative: Reduce crime and life/property damage from fires

A. FY12 Measure: Crime rate per 100,000 population for FBI Uniform Crime Report Part One offense categories (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Auto Theft, Larceny, and Arson)

1. FY12 Target: 5% reduction in crime rate per 100,000 population
   FY10 Target: 7% reduction in FBI Uniform crime rate per 100,000 population
   FY10 Actual: -16.8% reduction in crime rate per 100,000 population

B. FY12 Measure: Number of juvenile offenders on electronic monitoring

1. FY12 Target: 40

C. FY12 Measure: Percent of cases cleared by arson investigators

1. FY12 Target: 36%

II. CS. Focus Area Initiative: Enhance citizen safety through crime and fire prevention activities and education

A. FY12 Measure: Survey ratings on citizen satisfaction with safety in their neighborhoods in May 2012

1. FY12 Target: Ratings of 7 or above on a 10-point scale on questions related to citizen perception of safety
   FY10 Target: Ratings of 7 or above on a 10 point scale on questions related to police services and citizen perception of safety
   FY10 Actual: 75% on overall impression of police; 78% on courtesy; 81% on professionalism; 76% on integrity and honesty; 77% on safe in neighborhood

B. FY12 Measure: Number of restructured Leadership Councils in Patrol Divisions

1. FY12 Target: 13

C. FY12 Measure: Percent of fire code inspections conducted within state mandated frequencies

1. FY12 Target: 95%
   FY10 Target: 85%
   FY10 Actual: 88.4%

III. CS. Focus Area Initiative: Build collaborations with partners that enhance Charlotte's community safety initiatives

A. FY12 Measure: Reduction in national and international gangs operating in Charlotte-Mecklenburg

1. FY12 Target: Work with other state and federal law enforcement agencies to make significant progress in dismantling one gang per year.

FY10 Target: Work with other state and federal law enforcement agencies to make significant progress in dismantling one gang per year

FY10 Actual: Cedar Green Kings dismantled

B. FY12 Measure: Partner with other City agencies in addressing specific neighborhood issues that are enablers of crime

1. FY12 Target: 65 neighborhood issues targeted and addressed

C. FY12 Measure: Number of All Hazards Incident Command System Training Courses offered to partners in Charlotte's UASI region

1. FY12 Target: 5

IV. CS. Focus Area Initiative: Utilize technology to enhance operational effectiveness and customer service

A. FY12 Measure: Consolidate the Fire and Police Computer Aided Dispatch (CAD) Systems

1. FY12 Target: Consolidation complete by June 30, 2012

V. CS. Focus Area Initiative: Develop recruitment strategies that attract diverse applicant pools to the Police and Fire Departments

A. FY12 Measure: Percentage of women and minorities in police officer applicant pool

1. FY12 Target: 20% of applicants that are females and minorities

B. FY12 Measure: Percentage of women and minorities in firefighter applicant pool

1. FY12 Target: 25% of applicants that are females and minorities

FY2011 Strategic Focus Area Plan

"~~Charlotte will be the safest largest city in America."~~

~~The City of Charlotte will be the safest large city in America, with citizens feeling safe in the areas where they live, work, and spend their leisure time. The Police and Fire Departments have the most direct impact on public safety. Citizens in a safe community have confidence in their public safety agencies to proactively identify and address issues related to crime, disorder and personal safety.~~

~~The City Council supports the Charlotte-Mecklenburg Police Department's policing strategy which focuses on crime and disorder at the neighborhood level. Police staffing promotes high visibility throughout all of the Department's 39 response areas, each of which is served by a Response Area Team. Response Area Teams, led by a Sergeant, are responsible for:~~

- ~~crime reduction in their assigned areas~~
- ~~engagement of the community as partners~~
- ~~enforcement strategies specific to their area units~~
- ~~target crime and chronic offenders~~
- ~~collaborate with specialized units to address gangs, drugs and firearms~~

~~The Police Department is committed to recruiting strategies that result in a more diverse workforce that is proactive in community engagement and quality customer service.~~

~~Collaboration is critical to making Charlotte the safest large city in America. Police partner with public and private agencies, including Neighborhood and Business Services, Engineering, Transportation and Planning. One key partnership is between Police and Neighborhood & Business Services. Police work closely with Code Enforcement and Neighborhood Specialists to address conditions that increase criminal activity and implement strategies that ultimately strengthen and empower neighborhoods.~~

~~The Fire Department also plays a major role in the public safety process both through proactive inspections and education programs to prevent fires and injuries and by rapid response to those fires and medical emergencies that occur. The Fire Department also takes the lead in homeland security preparedness and works with partners around the Charlotte region to ensure that emergency personnel have the training, equipment and strategies to respond effectively to natural or man-made disasters.~~

~~Community Safety~~

~~Reduce Crime~~

~~CS.1~~	~~Focus Area Initiative:~~	~~Decrease crime throughout Charlotte-Mecklenburg through enforcement and problem-solving strategies that target criminal activity and chronic offenders at the neighborhood level~~
	~~FY11 Measure:~~	~~Crime rate per 100,000 population for FBI Uniform Crime Report Part One offense categories (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Auto Theft, Larceny, and Arson)~~
	~~FY11 Target:~~	~~5% reduction in crime rate per 100,000 population~~
	~~FY09 Target:~~	~~5% reduction in FBI Uniform crime rate per 100,000 population~~
	~~FY09 Actual:~~	~~22.5% reduction~~
~~CS.2:~~	~~Focus Area Initiative:~~	~~Enhance citizen safety through increased police visibility and engagement of citizens as active partners in crime reduction~~
	~~FY11 Measure:~~	~~Survey ratings on citizen satisfaction with police service and safety in their neighborhoods in November 2009 and November 2010~~
	~~FY11 Target:~~	~~Ratings of 7 or above on a 10 point scale on questions related to police services and citizen perception of safety~~
	~~FY09 Target:~~	~~Ratings of 7 or above on a 10 point scale on questions related to police services and citizen perception of safety~~
	~~FY09 Actual:~~	~~73% on overall impression of police; 79% on courtesy; 80% on professionalism; 73% on feeling safe in their neighborhoods~~
	~~FY11 Measure:~~	~~Adopt a Police Facilities Strategic Plan which establishes a building schedule for new police division offices that increase police visibility and accessibility and facilitate the delivery of police services at the neighborhood level~~
	~~FY11 Target:~~	~~TBD - new measure for FY11~~
~~CS.3~~	~~Focus Area Initiative:~~	~~Develop recruitment strategies that attract a more diverse applicant base to the Police Department~~
	~~FY11 Measure:~~	~~Number of women and minorities included in applicant pool~~
	~~FY11 Target:~~	~~5% increase in each of next two years~~
	~~FY09 Target:~~	~~N/A – new measure in FY10~~
	~~FY09 Actual:~~	~~Baseline – 349 women and minorities in applicant pool~~

~~Community Safety~~

~~CS.4~~	~~Focus Area Initiative:~~	~~Partner with other city and county agencies as well as other members of the criminal justice system in enforcement and prevention efforts that reduce crime and enhance the quality of life in our community~~
	~~FY11 Measure:~~	~~Crime reduction on major city corridors through collaboration with other city agencies~~
	~~FY11 Target:~~	~~5% reduction in Uniform Crime Report Part One Crimes (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Auto Theft, Larceny and Arson)~~
	~~FY09 Target:~~	~~N/A - new measure in FY10~~
	~~FY11 Measure:~~	~~Reduction in national and international gangs operating in Charlotte-Mecklenburg~~
	~~FY11 Target:~~	~~Work with other state and federal law enforcement agencies to make significant progress toward dismantling one gang per year~~
	~~FY09 Target:~~	~~N/A - new measure in FY10~~
	~~FY11 Measure:~~	~~Work with the District Attorney's Office on an information technology plan that includes a case management system with an interface to CMPD's Electronic Case Papering System~~
	~~FY11 Target:~~	~~TBD - new measure for FY11~~

~~CS.5~~	~~Focus Area Initiative:~~	~~Reduce loss of life and property damage from fires through proactive fire code enforcement and rapid response to working fires~~
	~~FY11 Measure:~~	~~Percent of fire code inspections with an annual state-mandated frequency conducted each year~~
	~~FY11 Target:~~	~~85%~~
	~~FY09 Target:~~	~~85%~~
	~~FY09 Actual:~~	~~90%~~
	~~FY11 Measure:~~	~~Percent of alarms first-due responder companies on scene within 6 minutes of call receipt~~
	~~FY11 Target:~~	~~80%~~
	~~FY09 Target:~~	~~80%~~
	~~FY09 Actual:~~	~~81.06%~~
	~~FY11 Measure:~~	~~Percent of fire education programs delivered to CMS third grade classrooms that are within city limits~~
	~~FY11 Target:~~	~~80%~~
	~~FY09 Target:~~	~~N/A - new measure in FY10~~
	~~FY11 Measure:~~	~~Consolidate Fire Administration, Fire Information Technology, Emergency Management, Fire Prevention, and Fire Investigation into one location.~~
	~~FY11 Target:~~	~~Begin construction first quarter of 2011~~

Description of Proposed Changes to the Noise Ordinances
February 11, 2011

I. Amplified noise in the right-of-way – *i.e.*, protests, street preachers, street musicians

- Prohibited before 7 a.m. and after 10 p.m. Sunday-Thursday and 11 p.m. Friday and Saturday – Sec. 15-64(5)
- Must have permit on-site
- Speakers no more than ten feet off the ground
- Permit holder liable in addition to operator

II. Restaurants and bars near residential neighborhoods

- No live outdoor amplified music within 400 feet of residential zoning – Sec. 15-64(6)
- Non-live amplified noise (*i.e.*, background music, televisions, etc.) may not be audible within residential zoning regardless of distance – Sec. 15-64(7)
- Live music (amplified or acoustic) or other forms of entertainment may not be audible within residential zoning regardless of distance except as permitted under III below – Sec. 15-63(d)

III. Additional Amplification (up to 70 db(A) on residential)

- Eliminate the +/- 1,000 person distinction (*i.e.* 10 hours/yr for <1,000, 20 hours/yr for >1,000) and establish 15 hours/yr for all – Sec. 15-65(c)
- Clarifies requirements for notification to property owners within 1,000 feet – Sec. 15-65(b)
- Prohibits additional amplification within 400 feet or residential zoning – Sec. 15-65(d)

IV. Large Outdoor Music Facilities

- New Sec. 15-65.1
- Requires facilities with a capacity of more than 5,000 to obtain an annual permit from Neighborhood & Business Services
- Permits will be tailored for the unique nature of the facility and surrounding residential life
- Goal is to strike a balance between the use of the facility and residents
- Permit restrictions may include:
    - Restrictions on number of events, days of week, hours of operation
    - Operational rules and restrictions
    - Self-monitoring and reporting requirements
    - Design or structural alterations to mitigate noise

V. Chronic Commercial and Industrial Noise

- New Sec. 15-65.2
- CMPD may designate a business as a “chronic noise producer” based on multiple valid and legitimate citizen complaints and direct CMPD observations
- N&BS works with designated business to develop a noise mitigation plan
- Noise mitigation plan may include:
    - Restrictions on days of week/hours of operation
    - Operational rules and restrictions
    - Self monitoring and reporting requirements
    - Structural changes including sound attenuation/baffling
- Failure to cooperate or comply results in adverse designation and no protection from full and aggressive noise ordinance enforcement
- Cooperation and compliance establishes a presumptive “safe harbor” from enforcement

ORDINANCE NUMBER:_____ AMENDING CHAPTER 15

AN ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS"

WHEREAS,

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article II of Chapter 15 of the Charlotte City Code is amended as follows:

"Sec. 15-61. - Loud, disturbing noises prohibited generally.

It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the city.

Sec. 15-62. - Measurement.

For the purpose of determining db(A)'s as referred to in this article, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

Sec. 15-63. - Sounds impacting residential life.

(a) It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within 300 feet of any residentially occupied structure in any zone of the city:

(1) The operation of a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.

(2) The operation of construction machinery between the hours of 9:00 p.m. and 7:00 a.m.

(3) The operation of garage machinery between the hours of 9:00 p.m. and 7:00 a.m.

(4) The operation of lawn mowers and other domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m.

(b) Any mechanical noise which registers more than 60 db(A) at the nearest complainant's property line will be probable cause for a violation.

(c) This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds exceeding 60 db(A) and shall not apply to emergency operations designed to protect the public health and safety.

(d) Except as permitted pursuant to Sec. 15-65, it shall be unlawful to cause or permit live performance music or other forms of entertainment, whether amplified or not, at a business establishment (including but not limited to a restaurant, nightclub, bar, or lounge) to be audible on residentially zoned property.

Sec. 15-64. - Amplified sound.

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 55 db(A) between 9:00 a.m. and 9:00 p.m. or 50 db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the Charlotte-Mecklenburg Police Department.

(2) As to multifamily structures including apartments, condominiums, or other residential arrangements where boundary lines cannot readily be determined, operate or allow the operation of any sound amplification equipment so as to create sounds registering 55 db(A) between 9:00 a.m. and 9:00 p.m. or 50 db(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the Charlotte-Mecklenburg Police Department.

(3) As to places of public entertainment having a capacity of 1,000 or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than 65 db(A) between 9:00 a.m. and 9:00 p.m. or 50 db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained ~~from the Charlotte-Mecklenburg Police Department~~ pursuant to Sec. 15-65 or Sec. 15-65.1.

(4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than 60 db(A) at or on the boundary of the nearest public right-of-way or park.

(5) ~~Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 db(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m. or 50 db(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.~~

~~(6)~~ Operate or allow the operation ~~for personal use~~ of any sound amplification equipment in the public right-of-way, including streets or sidewalks, or in the public City controlled parks: (i) without having actual on-site possession of a permit issued by the Charlotte-Mecklenburg Police Department; ~~or~~ (ii) so as to produce sounds registering more than 75 db(A) ten feet or more from any electromechanical speaker between the hours of 9:00 a.m. and ~~9:00 p.m.~~ and 10:00 p.m. Sunday through Thursday or 11:00 p.m. on Friday or Saturday or 65 db(A) ten feet or more from any electromechanical speaker between the hours of ~~9:00 p.m.~~ 7:00 a.m. and 9:00 a.m.; or (iii) at times other than those specified in (ii) or, in City controlled parks, when the park is closed. Sound amplification equipment operated pursuant to this subsection may not be located more than ten feet off the ground. In addition to the person operating or allowing the operation of sound amplification equipment in violation of this subsection, the person to whom the permit was issued shall be liable for any and all violations.

An application for a permit pursuant to this subsection shall: (i) be submitted to the Charlotte-Mecklenburg Police Department at least 24 hours but no more than seven days before the permit time requested; and (ii) specify the proposed location of the sound amplification equipment and the date and time that the sound amplification will begin and end. Permits shall be issued on a first come, first served basis. A permit shall not be issued for a location that is within 100 feet of another location for which a permit has been issued for the same time or in or within 100 feet of the area permitted for a public assembly pursuant to Article XI of this Chapter unless issued to the holder of the public assembly permit.

The use of mobile sound amplification equipment shall be exempt from the permitting requirement of this subsection. Sound amplification produced in conjunction with a city festival or parade permit shall be exempt from this entire subsection.

(6) Operate or allow the operation of sound amplification equipment out of doors or directed out of doors for the purpose of amplifying live performance music or other forms of entertainment at a business establishment (including but not limited to a restaurant, nightclub, bar, or

lounge) where the amplification equipment is located less than four hundred (400) from a residential zoning district.

(7) Operate or allow the operation of sound amplification equipment out of doors or directed out of doors at a business establishment (including but not limited to a restaurant, nightclub, bar, or lounge) so as to be audible on residentially zoned property.

(b) The limitations on the operation of sound amplification equipment in subsection (a) of this section shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

Sec. 15-65. - Permits for additional amplification.

(a) *Application.* ~~The~~ An application for a permit for additional amplification on private property under this section ~~15-64~~ shall be submitted to the Charlotte-Mecklenburg Police Department at least 15 working days in advance of the planned use ~~except in an emergency~~. The application shall designate and provide contact information for an individual person who shall be in control of the sound amplification equipment and ensure that its use complies with the terms of the permit.

(b) *Notice of tentative approval.* Upon tentative approval, the applicant for a permit shall be responsible for ~~mailing or otherwise delivering to~~ giving written notice of the name, nature, date, and time period of the event to the occupants of each property within ~~a 1,000-foot radius~~ 1,000 feet of the ~~facility~~ property for which the permit has been granted~~, as shown on the tax maps of the county, a notice stating the date and hours of the event~~. The notice shall be hand delivered to each occupant or, if the occupant is unavailable, affixed to the front door of the building or business or residential unit at least 72 hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the Charlotte-Mecklenburg Police Department that such notices have actually been ~~mailed or otherwise~~ so delivered.

(c) *Limits on hours.* ~~No permit shall be issued which shall have the effect of allowing more than 20 hours of excess amplification per year at any place of public entertainment having a capacity of 1,000 or more persons or ten hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the Charlotte-Mecklenburg Police Department in the order of receipt unless permits for 20 or more hours have previously been issued for the same or other locations within a 1,000-foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below 20 hours or select another location.~~ Permits for additional amplification at a property, or adjacent properties under common ownership, shall be limited to 15 hours in a calendar year. In the event that the Charlotte-Mecklenburg Police Department determines that additional amplification at a level

contemplated by this section occurred without a permit, the time of such additional amplification shall count against the 15 hour limit.

(d) *Prohibited in residentially occupied boundaries.* In no event shall a permit be granted: (i) where the amplification equipment is located less than four hundred (400) from a residential zoning district; or (ii) which allows the creation of sounds registering more than 70 db(A) anywhere within the boundary line of the nearest residentially occupied property.

(e) *Denial; issuance of exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the city manager or his designee. The city manager or his designee shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to the city council.

(f) It shall be unlawful to violate the restrictions or requirements of this section.

Sec. 15-65.1. – Permits for Large Outdoor Music Facilities.

(a) For purposes of this section, an "outdoor music facility" means a facility with a capacity of 5,000 or more persons and that that offers musical entertainment at least five times a year.

(b) It shall be unlawful to operate an outdoor music facility without a permit or in violation of the terms of a permit issued pursuant to this section. Notwithstanding the foregoing, the provisions of this section shall not apply to an outdoor music facility whose approved zoning plan regulates the number of events and times that the events may take place,

(c) An outdoor music facility subject to regulation under this section shall submit an application for a permit to Neighborhood & Business Services (N&BS). After consulting with the applicant and investigating the design and layout of the facility, its proximity to residentially zoned property, and the nature of any intervening property, N&BS shall issue a permit that contains restrictions and requirements designed to strike an appropriate balance between the legitimate use and operation of the facility and the noise impacts on residential life. These restrictions and requirements may include, but are not limited to, restrictions on days of week or hours of operation, operational rules and restrictions, self monitoring and reporting requirements, and design or structural requirements. Permits issued pursuant to this section shall be for a term of not more than one year and shall expire on December 31.

Sec. 15-65.2. – Chronic Commercial and Industrial Noise.

(a) The purpose of this section is to establish a collaborative process through which the City and a business that has been identified as a chronic source of objectionable noise will develop and implement a noise mitigation plan intended to bring the noise to acceptable levels.

(b) Based on: (i) repeated citizen complaints that have been determined by the Charlotte-Mecklenburg Police Department (CMPD) to be valid and legitimate; and (ii) direct observations by CMPD officers, the Chief of Police or his designee may designate a business whose commercial or industrial activities have a history of generating noise that negatively affects the use and enjoyment of other properties as a chronic noise producer. Upon such designation, the Chief of Police or his designee shall inform the business that it has been designated a chronic noise producer and refer the business to Neighborhood & Business Services (N&BS) along with the information that established the basis for the designation.

(c) Upon receiving a chronic noise producer referral, N&BS shall schedule a mandatory initial meeting with the business that it has been designated a chronic noise producer. At the initial meeting, N&BS and the business shall review the information that formed the basis for the designation and any evidence or information concerning the complained of noise provided by the business. At the conclusion of the initial meeting, N&BS shall determine whether a mitigation plan is warranted. If N&BS determines that a mitigation plan is not warranted, it shall notify the business and CMPD of that determination.

(d) If N&BS determines that a mitigation plan is warranted, N&BS and the business shall together develop a noise mitigation plan. The plan may include, among other things, restrictions on days of week or hours of operation, operational rules and restrictions, self monitoring and reporting requirements, and structural changes including but not limited to sound attenuation and baffling. The mitigation plan shall also include a schedule for implementation, which schedule shall include a schedule for review and possible revision or termination of the plan. Upon completion of the noise mitigation plan, N&BS and the business shall sign the plan thereby making the plan effective.

(e) In the event that a business designated as a chronic noise producer: (i) fails or refuses to participate in good faith in the development of a noise mitigation plan; (ii) refuses to agree to a noise mitigation plan; or (iii) fails to implement or comply with an agreed to noise mitigation plan, N&BS may designate the business as non-cooperative and shall notify the business and CMPD of that determination. Should a business designated as non-cooperative cure the basis for the designation, N&BS shall remove the designation and notify the business and CMPD of that determination.

(f) In the event that a noise enforcement action is taken against a business that has been designated a chronic noise producer, evidence regarding the business' participation in the development and implementation of and compliance with the noise mitigation plan shall be relevant to any prosecution or administrative or judicial review or appeal of the enforcement

action. Specifically, the business' participation and compliance shall be a mitigating factor and may, but is not required to be a justification for dismissing the enforcement action. A business that has been designated by N&BS as non-cooperative shall not be entitled to the benefits of this subsection unless the designation has been removed.

Sec. 15-66. - Animals.

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird which, by frequent or habitually howling, yelping, barking or otherwise, causes loud noises and produces seriously annoying disturbance to any person or to the neighborhood.

Sec. 15-67. - Motor vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the city:

(1) Which has had its muffler-exhaust and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises.

(2) By engaging in jackrabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing noises.

(3) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

Sec. 15-68. - Enforcement and penalties.

Where there is a violation of any section of this article, the city, at its discretion, may take one or more of the following enforcement actions:

(1) A police officer or animal control officer may issue a notice of violation as provided in section 2-24 of this Code subjecting the violator to a civil penalty of $100.00, which penalty may provide for a delinquency charge of $10.00 upon nonpayment, and which penalty and delinquency charge may be recovered by the city in a civil action.

(2) The violator may be charged with a misdemeanor and be subject to any penalty prescribed by section 2-21.

(3) A civil action seeking a penalty of $500.00 per day of violation plus an injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

(4) A police officer may issue a notice of violation, as provided in section 2-24 of this Code, subjecting the violator of section 15-63(a)(1) to a civil penalty of $200.00, which penalty may provide for a delinquency charge of $10.00 upon nonpayment and which penalty and delinquency charge may be recovered by the city in a civil action. For the purposes of this subsection, the term "violator" means either the operator of the front-end loader; the employer of the operator; or the company, partnership, corporation or other person or entity which owns, possesses or controls the front-end loader utilized by the operator."

2011 Mayor and City Council Retreat
Community Safety – Focus Area Plan
Retreat Comments

- N. Carter: Focus Area Initiative III. (B) 1, FY 12 Target should be expressed as a percentage rather than the number of neighborhoods.

  Staff Note: Staff suggests changing the measure that we will use for dealing with enablers of crime. We have selected six patrol divisions which have the greatest challenges with quality of life issues. Each of those divisions will choose three projects per quarter and will collaborate with other agencies to address the problem. Each project will have specific goals. Some of the projects may carry over for an additional quarter. Our goal will be to successfully complete 75% of the projects. That will replace the goal in the Focus Area Plan about the 65 projects.

- W. Cooksey: Tagline "Charlotte will be America's safest community"…our measurements need to be national. Without any measurements to let us know where we are nationally, it is difficult to compare ourselves.

- E. Peacock: Add back Fire Department Measure…Percent of alarms first due responder companies on scene within 6 minutes of call receipt