

NOTES

TO: Honorable Mayor and City Council Members

FROM: Ann E. Wall, City Manager

DATE: March 15, 2023

SUBJECT: Materials for Your Information

Please find attached the following materials for your information:

1. A memo from Dennis Vestal, Recreation and Parks Superintendent, regarding Bradford Creek Golf Course update
2. A memo from Ted Sauls, Jr., Chief of Police, regarding City Ordinance Title 11, Chapter 12-Bouncer Ordinance

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Attachments



To: Ann Wall, City Manager
From: Dennis Vestal, Recreation & Parks Superintendent
Date: March 15, 2023
Re: NTC – Bradford Creek Golf Course Update

Find yourself in good company®

This memo is to provide a brief update on Bradford Creek Golf Course’s financials and the overall operations of the course.

Despite the course being closed several days due to inclement weather in January, golfers continued to play the course when conditions allowed. The number of rounds per month, range ball purchases and overall sales are ahead of Fiscal Year 2022 numbers and golf course staff have a positive outlook on the spring and summer golf season.

Below is an overall breakdown, including income and expenses:

	2023 Through January 31 st	2022 Through January 31 st	Net Difference
Total Number Rounds	12,978	11,359	+1,619
Total Driving Range Numbers	\$43,371	\$35,646	+\$7,725
Gross Income	\$426,257	\$368,743	+57,514
Total Expenses	\$412,427	\$345,916	-\$66,511

Although play continues to increase, the year-to-date net income for the course through January 2023 is approximately \$8,900 lower than the net income was at the same point last fiscal year. While the overall number of rounds played and visits to the driving ranged increased, the increase in cost to operate the course for fiscal year 2022-2023 has impacted the net income. Increase operating costs continue to impact golf courses nationally. The course has experienced an increase in labor costs, which has resulted in improved course conditions. In addition, golf course staff have hired a commercial landscaping company to maintain the front entrance and parking lot year-round. The increase in service has resulted in additional expenses, but it has improved the overall appearance of the course and clubhouse area.

In addition to hiring a commercial landscaping company, there have been other improvements made at the course during this fiscal year. City staff have worked with Indigo Golf Partners employees on various initiatives which includes but is not limited to the following:

- Addressing maintenance concerns throughout the course, including:
 - Over seeded all three driving range tee boxes
 - Removed downed trees and cleanup of overgrown branches around the course
 - Improved Overall Green Conditions
 - Various General Maintenance Items
- Leased new golf carts
- Negotiating a New Equipment Lease

- Developing a plan for future Capital Improvement Projects for the Course

Recreation and Parks staff continues to keep an open line of communication with Indigo Golf Partners staff to ensure the course has a strong spring and summer while improvements to the course continue.

It remains a priority of City staff to continue to work with Indigo Golf Partners to enhance the experience of golfers at Bradford Creek Golf Course to assist with increasing the number of rounds being played monthly.

Please let me know if there are any questions.

cc: Michael Cowin, Deputy City Manager
Don Octigan, Director of Recreation & Parks

Memorandum

To: Ann Wall, City Manager
From: Ted D. Sauls, Jr., Chief of Police *TDS*
Date: March 13, 2023
Subject: City Ordinance Title 11, Chapter 12 – Bouncer Ordinance

In light of recent discussions regarding the 500' Rule for bars and the level of weekend enforcement in the Uptown District, the Greenville Police Department (GPD) has recently taken a more active role in meeting with bar owners each month to discuss various issues and concerns. At recent meetings, the topic of how to handle over intoxicated bar patrons was raised by the group. In particular, the group requested more guidance on how bars should handle such instances.

As a result of such discussions, it was realized that the City has not been fully utilizing Title 11, Chapter 12 of the City Code (i.e. Bouncer Ordinance). The Bouncer Ordinance is intended to provide oversight of the Bouncer function and provide required training to each establishment so as to ensure the safety and security of all bar patrons in the Uptown District. In fact, discussions on how to handle over intoxicated bar patrons is an integral component of the training received by Bouncers through the Bouncer Ordinance.

There are five (5) basic tenets of the Bouncer Ordinance:

1. **11-12-3(C):** Criminal background checks must be submitted to the GPD **within 30 days** of each bouncer's employment date.
2. **11-12-3(C):** Background checks are required to be submitted to GPD **annually** on each bouncer.
3. **11-12-4(A):** Each bouncer must attend bouncer training conducted by the GPD **within 90 days** of their employment date.
4. **11-12-4(B):** Each bouncer must attend bouncer training conducted by the GPD **every 2 years**.
5. **11-12-4(C):** A quarterly report must be submitted to the GPD listing all bouncers employed during that quarter, indicating the date of initial employment and the most recent date each person completed bouncer training.

Currently, the only requirement being enforced is submission of the quarterly reports. As such, effective, May 1, 2023, GPD will begin full enforcement of the Bouncer Ordinance. A copy of the ordinance is attached for reference.

Memo re: Bouncer Ordinance

March 13, 2023

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As always, our goal is to create and maintain the highest quality of service and safety for patrons of bars and nightclubs. We ask for assistance in complying with the ordinance and stand ready to work with the owners/managers on any questions or concerns they may have.

Please let me know if you have any questions. Thank you.

cc: Michael Cowin, Deputy City Manager

The Greenville Police Department exists to enhance public safety and quality of life, in partnership with all people in our community, by preventing crime with honor and integrity.

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CHAPTER 12: PUBLIC OR PRIVATE CLUBS SAFETY REGULATIONS

Section

- 11-12-1 Purpose
- 11-12-2 Definitions
- 11-12-3 Criminal record check of bouncers
- 11-12-4 Training of bouncers
- 11-12-5 Enforcement
- 11-12-6 No effect on ABC permits
- 11-12-7 Penalty

SEC. 11-12-1 PURPOSE.

In order to protect the health, safety, and welfare of the city and its citizens, it is the purpose of this chapter to establish reasonable and uniform requirements in order to address the harmful effects associated with establishments for which entertainment is the principal use and which a large number of patrons congregate late at night.

(Ord. No. 09-98, § 1, passed 12-10-2009)

SEC. 11-12-2 DEFINITIONS.

As used in this chapter the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

Bouncer means a person employed by a public or private club as an employee or contractor to perform the function of maintaining order, removing disorderly or disruptive patrons, checking identification cards or providing general security for the public or private club but not including a person who is employed for the primary and substantial purpose (greater than 90% of duties) to perform the functions of a bartender, waiter, or waitress and not including a person who is employed as a uniformed off-duty law enforcement officer or a uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C.

Conviction and *convicted* mean a finding of guilt for a violation of a state or federal law, an adjudication withheld on such a finding of guilt, an adjudication of guilt on any plea of guilty or nolo contendere, or the forfeiture of a bond or bail when charged with a violation of a state or federal law.

Public or private club means an establishment which the principal use is a public or private club as defined by the Zoning Ordinance for Greenville, North Carolina.

(Ord. No. 09-98, § 1, passed 12-10-2009)

SEC. 11-12-3 CRIMINAL RECORD CHECK OF BOUNCERS.

(A) No public or private club shall employ a person as a bouncer who has been convicted of a crime relating to either (1) the sale, manufacture, distribution, or possession of controlled substances as made unlawful by the provisions of G.S. 90-95, or (2) criminal street gang activity as made unlawful by the provisions of the North Carolina Street Gang Suppression Act as provided in G.S. Chapter 14, Art. 13A, or (3) prostitution or assignation as made unlawful by the provisions of G.S. 14-204 or (4) homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly firearms, or discharge of a dangerous or deadly firearm as made unlawful by the provisions of G.S. Chapter 14.

(B) Notwithstanding the provisions of subsection (a), a public or private club is not prohibited from employing a person as a bouncer as a result of the conviction of an offense listed in subsection (a) when the following time period has elapsed:

(1) More than two years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for a misdemeanor offense;

(2) More than five years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is for a felony offense; or

(3) More than five years has elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(C) A public or private club shall submit to the chief of police or designee on a quarterly basis no later than the fifteenth day after the close of the quarter a list of all persons employed as a bouncer at the public or private club that quarter. The list shall indicate the date of initial employment of each person as a bouncer and shall be on a form provided by the police department. The public or private club shall submit to the chief of police or designee no later than 30 days after the date of initial employment of a person as a bouncer and, annually thereafter, a criminal record check for each person employed as a bouncer by the public or private club. The criminal record check submitted shall be conducted by a method acceptable to the

chief of police but shall not be required to be a criminal record check based upon fingerprints from the North Carolina State Bureau of Investigation.

(Ord. No. 09-98, § 1, passed 12-10-2009; Ord. No. 13-021, § 1, passed 5-9-2013)

SEC. 11-12-4 TRAINING OF BOUNCERS.

(A) No public or private club shall employ a person as a bouncer who has not completed a training program for bouncers conducted by the police department within the immediately preceding two year period except that a public or private club may employ a person as a bouncer for the person's initial employment with the public or private club for a period of no more than 90 days commencing on the date of the person's initial employment with the public or private club without the person having received the training.

(B) All persons employed as a bouncer at a public or private club shall complete a training program for bouncers conducted by the police department every two years from the date of the initial training of the bouncer. The training program shall consist of classroom training on addressing disturbances occurring at public or private clubs and any other topic deemed appropriate by the chief of police.

(C) A public or private club shall submit to the chief of police or designee on a quarterly basis no later than the fifteenth day after the close of the quarter a list of all persons employed as a bouncer at the public or private club during that quarter. The list shall indicate the date of initial employment of each person as a bouncer and the most recent date each person completed a training program for bouncers conducted by the police department. The list shall be on a form provided by the police department.

(Ord. No. 09-98, § 1, passed 12-10-2009; Ord. No. 13-021, § 2, passed 5-9-2013)

SEC. 11-12-5 ENFORCEMENT.

(A) A police officer or other person authorized by the City Manager to enforce the provisions of this chapter may issue a written citation for a violation of the provisions of this chapter.

(B) The owner and the manager of the public or private club are responsible for compliance with the provisions of this chapter. A written citation for a violation of the provisions of this chapter may be issued to the owner or the manager of the public or private club and the owner or the manager who is issued the citation will suffer the penalties and be subject to the remedies as set forth in section 11-12-6.

(C) An owner or a manager who has been issued a citation may appeal the citation to the Chief of Police or designee. Written notice of appeal must be filed within ten days of the date of the issuance of the citation.

(Ord. No. 09-98, § 1, passed 12-10-2009)

SEC. 11-12-6 NO EFFECT ON ABC PERMITS.

The provisions of this chapter are not intended or designed to establish rules on the manufacture, sale, purchase, transportation, possession, consumption or other use of alcoholic beverages. The provisions of this chapter apply to a public or private club whether or not the public or private club has been issued an ABC permit by the North Carolina Alcoholic Beverage Control Commission. Any violation of the provisions of this chapter shall not affect any ABC permit issued to the public or private club by the North Carolina Alcoholic Beverage Control Commission.

(Ord. No. 09-98, § 1, passed 12-10-2009)

SEC. 11-12-7 PENALTY.

(A) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty as follows:

- (1) In the amount of \$50 for each offense on the first day of such offense; and
- (2) In the amount of \$100 for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a 12-month period; and
- (3) In the amount of \$250 for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a 12-month period.

(B) Violators shall be issued a written citation which must be paid within ten days. If a person fails to pay the civil penalty within ten days, the city may recover the penalty, together with all costs and reasonable attorneys' fees, by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(C) This chapter may also be enforced by any appropriate equitable action.

(D) Where a violation continues after the tenth day that a citation is issued and every tenth day thereafter that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the escalating civil penalties authorized by subsection (A) may be invoked whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a 12-month period.

(E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(F) Any violations of the provisions of this chapter shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to G.S. 14-4.

(Ord. No. 09-98, § 1, passed 12-10-2009; Ord. No. 13-021, § 3, passed 5-9-2013)