

MINUTES
Nightclub, Bars, and Restaurant Citizens Advisory Group Meeting
1-24-13

Citizens In Attendance:

Barger, Chuck	Dowling, Bryon	Lamb, William	Presley, Larry
Barker, Pat	Durkin, Bob	Lamont, Doug	Prisby, Gregory
Barnes, D. Blake	Eickineyer, Jenny	Layne, Eric	Rankin, DJ
Beard, Natalie K	Fergusson, Russell	Love, Margenia	Raymer, Roger
Bergdahl, Megan	Flanagan, Sean	Lowder, Devin	Reinhart, Sarah
Bradley, Charleen	Flynn, Carlos	Marrino, John	Rice, Brett
Bradley, Jeneen	Flynn, Mario	Matta, Lynn	Rossi, Phil
Brandon, Robert	Ford, Todd	Maupin, Chad	Salinas, Lauren
Brewer, Valerie	Foster, James	McDaniel, Erica	Scenti, Mike
Brooks, David	Gibson, Tina	Meyer, John	Sellers, Danny
Frances Brooks	Gore, Gina	Moorer, Stephanie	Settle, Chris
Brown, Kirk	Graham, William (Danny)	Mullis, Adam	Sinclair, John
Buchy, Phil	Grimes, Andy	Neeson, Chris	Sizemore, Melanie
Caldwell, Frank	Hart, Liza	Nguyen, Lauren	Smith, Brad
Cardone, Anthony	Hebert, Jerry	Nisbet, Scott	Spencer, Brandon
Chiv, Chelsea	Hester, William F	Nixon, Rob	Sprinkle, Mark
Conner, Troy	Howell, Eric	Nolan, Bill	Stewart, Walter
Cooper, Evan	Ingram, Chris	Oliver, Jason	Sutton, Kevin
Cox, Bill	Jackson, John	Parks, Larry	Thacker, Brittany
Craver, Penny	Jenatian, M	Paxton, Carter	Thevaos, William
Creasy, Kevin	Jettr, Jason	Pennell, Travis	Torrence, Jumaane
Crespin, Fabian	Johns, Lucas	Pera, Matthew	Warningsing, Abbey
Crook, Sam	Karas, Justin	Perez, Thom	Whalen, Adam
Cullivan, Brian	Kastanas, Andy	Pierce, Michael	Whitcomb, Gail
Dail, Billy	Kastanas, Lesa	Pitkin, Ryan	White, Officer
Deeb, Michael	Keanoy, Ant	Piver, Matt	Whitman, Christina
Dobr, Belvin	Koontz, Ken	Plath, Nicholas	Williams, Adam
Dockery, Malissa	Kuhn, Michael	Port, Alfonso	Wolhar, Charles
Dorney, Nick	Lail, Jimmy	Presley, Alan	

Staff In Attendance:

Debra Campbell, Planning Department	Katrina Young, Planning Department	Sandra Montgomery, Planning Department
Sonda Kennedy, Planning Department	Barry Mosley, Planning Department	Karen Robinson, Planning Department
Pontip Aphayarath, Planning Department	Marci Sigmon, Planning Department	

I. *Welcome and Introductions*

Debra Campbell, Planning Director, welcomed everyone to the meeting, and introduced herself. The meeting began at 6:06 p.m. Ms. Campbell stated that the Nightclub, Bar, and Restaurant citizen advisory group (CAG) initially began meeting in August of 2011 and stopped meeting in December 2011, but is resuming now.

Ms. Campbell asked everyone to introduce themselves to the group, and what industry or organization they represented. She noted that a range of individuals were present, including neighborhood representatives, and restaurant, bar, lounge, brewery, and entertainment venue owners, managers, and employees. She thanked everyone for coming.

II. Purpose and Goals

Ms. Campbell reviewed the agenda and stated that the process will look at regulations related to nightclubs, bars and restaurants. She apologized for having to repeat information that may have been discussed at the previous meetings, but noted that it is important to rehash why we are here, and what we are trying to accomplish, so that we are sure we have good information about our goal and intent for reviewing these regulations.

Ms. Campbell stated that the message she wanted to convey tonight is that the City realizes how important restaurants, nightclubs and bars are in this community. She stated that one of the most important visions for this community is to be economically vibrant and for us to have a vital community. Vitality speaks to many different aspects of behavior and other aspects, but more importantly to entertainment. How do we make sure that we provide the opportunities for economical vibrancy, for economic vitality, and yet maintain the stability and viability of adjacent residential uses that may abut these uses?

Ms. Campbell talked about the history of the community from an entertainment, food service, and livability perspective. Our tastes have changed over time. We want different lifestyles. We used to want a more suburban feel. As the city has evolved, we have become more urban in nature. With an urban environment comes density and compactness. It is important that we look at the regulations that affect all that we do to have a sustainable community.

So why are we undertaking this project focusing on restaurants, nightclubs and bars? The reason is that it has become increasingly difficult to determine the difference between restaurants and nightclubs. The current definitions are different from what these uses have evolved into.

The purpose of this effort is to adequately define the uses, develop standards to minimize adverse impacts to nearby residential areas, and other areas, and provide more flexibility to businesses.

III. Issues and Concerns.

Ms. Campbell reviewed the current definitions in the Zoning Ordinance for “restaurants” and “nightclubs”:

Nightclub: Any establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.

Restaurant: An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.

Ms. Campbell noted that the definition of “restaurant” says nothing about entertainment. That is the dilemma we are facing. When the telephone rings at the Charlotte-Mecklenburg Police Department (CMPD) or Neighborhood & Business Services (N&BS) who enforces the Zoning Ordinance, and a constituent reports a problem with an entertainment venue and address, the zoning enforcement officer or police go to the location to investigate the problem. The zoning enforcement officer is trying to determine what the use is. Is it a restaurant or a bar? The challenge is that we don’t want someone going into a legitimate restaurant and calling it a bar or nightclub, and saying it has to meet the regulations for bars or nightclubs.

Citizen: It is important to mention that the Alcohol and Law Enforcement (ALE) of the North Carolina Department of Public Safety regulates and enforces the Alcoholic and Beverage Control (ABC) laws.

Ms. Campbell added that most of the time a constituent doesn't know that. They are calling the city about the problem, because they think the City enforces the regulations. She noted that restaurants, according to the Zoning Ordinance definition, are not allowed to have any type of entertainment. We know this is crazy.

Citizen: As an attorney and bar owner, where does it state in the Zoning Ordinance that "entertainment" is not allowed in restaurants? Nowhere does it prohibit entertainment in restaurants.

Ms. Campbell said we don't have a citation as such, but we do have the definition. We can talk about this gray area of entertainment, but the police (CMPD) and zoning code enforcement staff (N&BS), will probably not err on the side of it may or may not be this use or that use. They will try to be proactive and respond to a constituent's concern. Our goal is to clarify the definitions, so that we remove the gray area. The intent of this process is that this statement (not allowing entertainment) is crazy.

Citizen: Yes, the intent is crazy. This is the crux of the problem. This is someone's interpretation.

Ms. Campbell stated he was right. The Zoning Administrator has the responsibility of interpreting gray areas of the Zoning Ordinance. We can argue about the way the definitions read, or we can work together to clarify the definitions, and clarify the intent.

Citizen: What is the current definition of "entertainment"? I've had a run-in with a zoning enforcement officer who interpreted pool tables as entertainment. There is no definition of "entertainment" in the Zoning Ordinance. The definition of entertainment is loose. The zoning code enforcement officer stated that the use of pool tables was entertainment. Every bar I've been to has pool tables. The code enforcement officer used the code to serve his need to enforce the code.

Ms. Campbell agreed that pool tables are considered to be entertainment. She suggested that blaming the zoning code enforcement officer, who is trying to uphold the Zoning Ordinance, is not productive. She said in practice, this is how a restaurant is defined and "entertainment" is not mentioned. When there is a complaint, or a citizen is applying for a building permit, we are trying to prevent that blurred definition or interpretation that is being done now from occurring, through this process. That is our goal.

Ms. Campbell suggested that the definition for nightclubs is too broad. Nightclubs require a separation distance up to 400' from residential areas/districts. Nightclubs can create secondary impacts.

Citizen: Entertainment can be simply sitting down and eating a meal or drinking. It does not have to entail music or pool tables. Entertainment can be in any form. A glass of wine can be entertainment.

Citizen: The current Zoning Ordinance definition for nightclubs is not broad and doesn't define entertainment. There are dozens of types of restaurants in Charlotte – fine dining, sports bars, drive-through restaurants, and other hybrid uses. None of this is defined in the category of "restaurants". The definition of "restaurant" is not broad enough. That is the problem.

Ms. Campbell agreed and that is why we are here tonight. This process will actually create language that allows for these types of uses, that we all visit and enjoy, and allow them to exist, without a blurred vision of which use is which.

Citizen: The "restaurant" definition includes "designed, in whole or in part, to accommodate the consumption of food and/or beverages". We have televisions in our restaurant to cover sporting events. The business is designed that way. Background music and television are designed to accommodate the consumption of food. Typically, it is common practice in the culinary institute business that we design the atmosphere so that music, television, and the

consumption of food work together. This definition would not stretch over into a nightclub definition. Maybe you are not looking at common practice in the restaurant industry, and across the world.

Ms. Campbell clarified that she was trying to explain the common practice of the city. The City is enforcing it this way, and she suggested that we should not be doing it this way. We need to be sure we take the ambiguity out of the definitions. We are saying the same thing, but differently.

Citizen: But the City is trying to narrow the definition of entertainment by broadening it. You don't want it to include "entertainment" in the definition of restaurant.

Ms. Campbell stressed that this is absolutely not what is being suggested.

Citizen: What is the City proposing?

Ms. Campbell said the City is not proposing anything yet. Through this process we are trying to understand what is broken and what needs to be fixed, and what standards and definitions we want to develop and submit to the City Council for adoption.

Citizen: What is broken and needs to be fixed?

Ms. Campbell noted that the police department, zoning code enforcement staff and the Zoning Board of Adjustment are getting phone calls, complaints or cases where people are saying the entertainment or nightclub aspects of a business should not be happening because they are classified as a different use.

Citizen: Can't they be cited under the Noise Ordinance and nuisance laws?

Ms. Campbell indicated that the complaints are not necessarily about noise. It is about the use. Is this a legal use?

Citizen: In the previous CAG meetings, we talked about how these uses have evolved over time. It seems that adding a phrase to the definition of restaurant would solve the problem: "An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages, but may also incorporate forms of entertainment"? And adjust the definition of "nightclubs" by definition, should not include "food".

Ms. Campbell observed that adding this phrase into the definition of "restaurant" makes it more similar to the definition of a "nightclub", which has additional restrictions. Ms. Campbell stressed that this is the purpose for this CAG process - to change the definitions and take the ambiguity out of the definitions. You are suggesting we do exactly what this process is designed to do - figure out how we change the definitions and remove the ambiguity in the definitions. We are not trying to narrow the definition of "entertainment". Again, the City definitely understands the importance of this industry. She then asked a representative from the Hospitality and Tourism Alliance to comment on revenue's earned last year from the food service and entertainment industry. The representative commented that revenues for the beverage industry in Charlotte were \$2.4 billion last year in Mecklenburg County (28% of employed citizens in Charlotte are employed in this industry). We are not saying to City Council that we should shut these businesses down.

Citizen: Is it possible to define certain types of entertainment that can apply to restaurants or nightclubs?

Ms. Campbell said, yes, that is possible. This is what we are going to discuss in this process.

Ms. Campbell apologized for the fact that the Agenda was e-mailed out today, and for the fact that some people receiving an earlier notice of the meeting than others. This will not happen again.

Citizen: The agenda is very vague, it was not very helpful.

Ms. Campbell stated that some people here tonight were present at the previous four CAG meetings in 2011, and others are new. We apologize if we are rehashing some of the same items again. It is necessary to do this so we understand the goals.

Citizen: My fear is that we are trying to define the undefinable. Should we be trying to define what a restaurant, bar and nightclub is? Or is the issue really about impacts? Is it noise? Something else? We are never going to be able to define restaurants and bars.

Ms. Campbell noted that unfortunately, definitions do exist now in the Zoning Ordinance for these uses. We need to understand the uses in order to regulate the uses and to regulate the secondary impacts. Many other communities are dealing with this issue, so Charlotte isn't different. Other cities have managed this, and we are not going to reinvent the wheel. We are looking at other communities like Austin, Texas and Nashville, Tennessee to see how they have managed these uses.

Citizen: Nashville allows restaurants and bars right adjacent to residential condo's all over the place and no one seems to be complaining there. It is all about the quality of life of people in the city. There are people who want to be downtown and near active uses, and able to walk to these uses. This is what a big city is all about.

Citizen: I think what Ms. Campbell is getting at is that the rules need to be modernized to fit a city that is not as suburban as it once was. It is becoming increasingly more dense and urban. In NODA, there are businesses that are clearly nightclubs and not restaurants, and the 400' separation distances should apply. These businesses are clearly illegal. We need to start making a distinction between locations. The rules may be different in NODA from what they are in a more suburban location. Can we acknowledge this?

Ms. Campbell stated that we need to acknowledge that a one size only definition won't fit all circumstances. There can be certain types of restaurants in other locations. If our vision is to be an entertainment area, why would we want to temper and restrain it?

Citizen: I am a resident and live on Caswell Street, and my home is located within 100' of three to four bars. Music is played for entertainment 18 hours a day, 7 days a week. This leaves me 6 hours to sleep. I don't need to be entertained. I want to sleep. My wife has to wear ear plugs to sleep. We've called the police many times at 2:30 am when outdoor loud music is still playing. The police have no tools to cite anyone. Residents don't necessarily want to be entertained. Can we set different rules for entertainment in residential areas? If you make it an entertainment district, the police do nothing. Bar owners will not and don't obey the rules. When the bar closes, people move outside and gather around an outdoor fireplace after 2:00 am. By 2:30 to 3:00 am the activity is still going on. This is ridiculous.

Ms. Campbell stressed that she wants to balance the mutual interest of businesses and residents. What do we need to do from a land use and zoning perspective? The issue of noise is enforced through the Noise Ordinance, which is a different ordinance from the Zoning Ordinance, and it is enforced differently. Ms. Campbell stressed that we can't cast the net so broadly on everybody (all other restaurants, bars, and nightclubs) because one business is behaving in that manner. That particular issue needs to be addressed on its own merit and not imply that every other business operates in this manner.

Citizen: There are establishments that have been open 40+ years. The zoning laws affect these businesses now. New developments and zoning around these existing businesses have changed over time to accommodate new residential development. Are the laws applied retroactively or proactively? If proactive, then there could be an exception for restaurants

that says if they meet the separation distances for nightclubs, then they can include entertainment. You could move forward with that. If the laws are applied retroactively, then the city's policy will need to change and every business in here will be affected, because the focus is on development and rezoning of new commercial and residential uses, not so much on entertainment.

Ms. Campbell stated that she hopes we do not do zoning for today's circumstances. Planning is about looking forward to the future, because things change. The city doesn't necessarily initiate the changes; the private sector is typically requesting zoning changes.

Citizen: Noise and zoning are controlled in two different ordinances. This process started out about noise. People can't sleep because of the noise. Wouldn't a specified decibel level for outside noise work? Why won't that fix it?

Ms. Campbell said that yes, the Noise Ordinance is separate, and includes decibel levels. It will fix issues related to noise, but in terms of how these uses are defined in the Zoning Ordinance and what standards apply, she suggests that a noise response will not address these definitional issues.

Citizen: I thought the only difference in the definitions was that the current definition of "nightclub" doesn't say it serves food. Otherwise, it would be a restaurant, bar or tavern.

Ms. Campbell stated that some nightclubs do sell food. That is an issue. Based on our current definitions, the definitions are outdated. We need to update them.

Citizen: We all agree the definitions are faulty and we can redefine them. Can we move forward, then?

Ms. Campbell said, yes.

Citizen: I appreciate the dilemma the gentleman discussed about not being able to sleep. I opened a club on Morehead Street in 1965 and the area is zoned business, allowing any type of legal business. We have had live entertainment from the start. In 48 years' time, I have spent several hundred thousands of dollars. Are you are now telling me, because a residential apartment building was built across the street from my location, and I am not 400' from that property, that I can't have live entertainment in my building? What about the fact that I was there 30 years before? This is ridiculous, I was here first.

Ms. Campbell stated that he would be able to continue to operate in the same manner.

Citizen: And I was in my home on Caswell before the bars moved in.

Ms. Campbell said let's move forward.

Citizen: I agree we need to move forward. If the idea is that the current definitions are poor and overlap and are difficult to enforce, why is the enforcement process necessary? What is the reasoning behind enforcement so we can figure out a better definition to serve the actual purpose? And why are we talking "entertainment" when it is a poor way to distinguish the differences between restaurants and nightclubs, if we are here to rewrite the definitions and fix the problem? Why build upon a poor foundation of "entertainment"? Let's clean the slate and start at the beginning.

Ms. Campbell agreed with the comments.

Citizen: Thanks for mentioning how important the hospitality businesses are to Charlotte. For some of us who have been here a long time, the hospitality business has come a long way. This is an industry that once upon a time, was not looked at seriously. We bring in over \$5 billion dollars in Mecklenburg County annually. The City relies more and more on revenues from the hospitality industry. Many of the great things in Charlotte have been paid for by the hospitality industry. The City is not against our businesses. Charlotte has changed drastically. Ms. Campbell is agreeing with us that the Zoning Ordinance is broken, and every one of you is trying to prove her right. She agrees with us that the Zoning Ordinance regulations today do not make sense. She is in total agreement that we have to change the existing Zoning Ordinance because it doesn't apply to Charlotte any more. Charlotte has changed; neighborhoods have changed; the way we do business has changed. We have to help this industry grow more. She is asking us to help her put a new Ordinance together, that would give you all the flexibility that you need; that would help you grow your business and also be respectful and try to create a balance that, hopefully, satisfies neighborhoods. We all know that a couple of bad apples create the challenges for us. She is asking for us to help her change this and put something together that is satisfactory to everybody.

Ms. Campbell clarified that maybe not all parts of the Zoning Ordinance are broken. She explained that the process used to change regulations in the Zoning Ordinance is a text amendment process. It is very similar to the rezoning process. In most instances, when text amendments are done to correct technical issues, we generally do that without citizen involvement and participation. It is literally more administrative in nature. But when we have issues that are volatile, complicated, and complex, we need your help and use a CAG process. So this process is a text amendment process and we want and need your help. You've established that there are a lot of ways to change the regulations, and you have suggested ideas, which we will investigate.

Ms. Campbell stated that she wanted to transition now to the CAG process. Many of you were part of the 2011 process. About 50% or more of the people in the room participated in that process. She apologized for rehashing what was done in 2011. But based on that, as we move forward, we don't want to make the same mistakes. What things do you want us to do differently? What did we do well? What should we continue? How can we improve this process?

Citizen: Remove the 400' separation requirement. Don't apply it to restaurants. There is an overwhelming fear that you are not going to grandfather business in. For someone that has just invested in a roof deck, what will happen if they can't even meet even a 200' separation distance?

Ms. Campbell said she appreciated the comment as a recommendation, not a process suggestion. The intent of the process is to understand some of the circumstances and understand the consequences of a recommendation and then to determine if we want to move forward. Ms. Campbell stated that if staff comes up with recommendations and there are minority opinions, or even an opinion that says we don't like that, your opinion will go through the adoption process the same way that the staff opinion will. If we say 200', and you say 100', then 100' will be an alternate recommendation that will be forwarded to City Council as the text amendment moves through the adoption process.

Citizen: The notice issue was a big concern for many of us involved last time. My starting block, which is good policy, is why are we starting with the definitions that are bad and saying they are hard to enforce and then rewriting them so they are easy to enforce? This is circular logic. Why not start with why do we need enforcement, and why do we need to distinguish these things? Out of that then, you would have a good process that would lead to good definitions. My problem is that we specifically asked for this information, and having been personally involved with the Noise Ordinance issues, it is sounding an awfully like the same issues that generated that legislation which went perfectly fine and

is separate through policing issues. I think many people here would be placated to see the underlying data. If it isn't there, can we encourage you to study the existing local businesses, not the large franchises that are taking money outside of our community, but to consider all the people here and locally owned businesses that would be disproportionately affected because they occupy the unoccupied, vacant buildings and the buildings sitting on the edges of the neighborhoods we are all living in. And they are doing a use for the community that goes beyond one person having a noise complaint.

Citizen: I suggest you look at the laws on the books. The City definitions are different from the state definitions that relate to the ABC laws. They have already defined these establishments. Look at those definitions. I also suggest you look at ways to enforce the existing Noise Ordinance. Use that instead of creating more ordinances.

Ms. Campbell clarified that we aren't creating more ordinances. The challenge we have is that we have existing ordinances today that are being enforced. The issue becomes are those the ordinances that we want to enforce moving forward? I think I've heard, no, it is not.

Citizen: Is it possible to send a survey out to all surrounding residents asking them the names of bars that may be affecting them where they live? Ask them how they affect them in their lives. Some may be affected and others not. That can also give a general idea for ordinances affecting particular bars.

Ms. Campbell stated that whatever we do, it will not be parcel specific to a specific business. The definitions will be general and broad. We can determine if we possibly want different standards based upon location.

Citizen: I don't know if that is right. Just like every person, every bar and restaurant is different.

Citizen: I want to say something positive about you. I didn't get a notice of the past meetings, but I did get the meeting notice yesterday. And when it was sent to me, it posted all the Minutes of all the past meetings. I was able to get 100% up-to-date on the 2011 meetings in about ten minutes. It was really good, and even though you sent it out yesterday, you got about 300 people here this evening, and that is positive. You've either got someone really mad or really concerned.

Citizen: Or we helped get the word out.

Citizen: Tell me exactly what the City is proposing. I'm unclear on what you are trying to bring down on nightclubs. A lot of people in this room are unclear, including me, on what exactly you are trying to do.

Ms. Campbell stated that she wants to be clear. The City of Charlotte Planning Department is going through this process. We established at the end of the fourth CAG meeting in December that we had some tentative recommendations related to these types of establishments. I'm suggesting that what I've heard is that we want to wipe that slate clean and start from the position of what is the problem we are trying to address and respond to. And what kind of changes do we need to make in the Zoning Ordinance to respond to those issues.

Citizen: Talking about the 2011 process, the process was leading down a path to create one plan for the entire City, for all neighborhoods. I would like the process to be cognizant of the fact that all neighborhoods aren't the same. Neighborhoods like Elizabeth, Plaza-Midwood, and Southend might have different needs than Ballentyne and Myers Park. We should have the mind-set that different neighborhoods have different needs and the zoning should reflect that.

Citizen: I participated in the 2011 process and attended all the meetings, like half the people here. Every time we separated into groups and came up with positive suggestions that the majority of the restaurant, bar and nightclub owners agreed upon, the recommendations

we came up with, that we fought for and debriefed together on, were not in the meeting notes or boards presented to us in the following meeting. It was nowhere near what we agreed upon in the week before. This time, in the process, I would like to see our ideas up there, so we can compare notes. Our representatives were up there with the boards, we presented our notes, and played the games. But every week, what was up on the board was not our ideas or what we discussed the previous week, it was the City's ideas. Let's actually have our ideas up there on the board.

Citizen: I want to see a show of hands of how many people here represent a residential setting.

Citizens: We all do. We all live here in Charlotte. Even though we own a business, we still are a resident.

Citizen: The problem with the last meeting was we were told at one point, quote, "our opinion didn't matter because our opinions were biased." Just because we are involved in bars as employees, owners, land owners, entertainers, we live here too. We are residents also.

Citizen: A quick question. I am listening to what we are talking about and it doesn't sound like it has a big impact on nightclubs. It sounds like it has an impact on restaurants, the time that they operate, and entertainment. If that is the case, there is a huge domino effect that is going to happen to the funds coming into Charlotte. You have people in here that play music and have DJ's, that play at these entities that bring people, marketing, and money into Charlotte. I'm from New Jersey and moved here. This is becoming a fast-paced city. The old has to be out and changes made. I represent a chain of 30 promoters in the area and hold a lot of large-scale events. We market to different cities and bring people in from Washington D.C., Detroit, Illinois, and from all over the country, and bring dollars into these entities. If I'm hearing right, I hope that is not the case, based on the time frame and entertainment thing that is going on.

Ms. Campbell stated that we think there is a gray area where uses are almost a hybrid, it may but it may not, but you will just have to trust the process.

Citizen: Let's be honest why we are here. There are a handful of residents that are in a residentially zoned area living next to a commercial district that have made complaints about noise. To separate entertainment, nightclubs and the restaurant issue from the noise issue is counterproductive, because that is where the complaint lies. The gentleman is up until 3:00 in the morning and can't sleep. There are many concerned people here: citizens, business owners, club promoters, bartenders, media, and the press that have been here for 20+ years and have seen the entertainment value in this City rise. Twenty years ago in 1992, 1993 this City was boring. No one was out and about. The reason we are all here is that Council has directed you to find the solution, and you are to report back to Council. Why is Council involved in defining entertainment? This should be defined organically by the community and the residents that are here tonight. I feel for the gentleman here tonight with his problem with the noise and living next to an establishment with noise. That is not the way he grew up, and those are not his values. Maybe the City can come up with a solution of grants to people living within this 400' distance so they can soundproof windows in their house that will allow them to sleep, instead of having a meeting with 300 people. There is a solution that doesn't need legislation. If the City needs to make an ordinance that the state has not done, then there is obviously a problem here, and we are becoming a foot-loose community here.

Ms. Campbell asked for other problems with the process.

Citizen: My suggestion is that your staff put together a summary sheet of the relevant ordinances including the Noise Ordinance, Zoning Ordinance and how we can find them. That would be helpful to all of us. The reason the City Council is involved is that they have constituents calling them and complaining about noise. That is why it is on their radar.

We should be respectful for everyone's point of view and come up with a solution that works.

Ms. Campbell noted that Council has a dysfunctional Zoning Ordinance, and there are a lot of different reasons why we are here. One is that we acknowledge that this community is evolving and changing. The way land is regulated is through zoning. Zoning regulates where nightclubs, bars and restaurants are located, but it is not serving the purpose. It is not implementing our vision. That is what zoning is supposed to do...implement a vision. Control the land so that it represents what we want for the future.

Citizen: If this is a zoning issue and we are trying to move to a more urban City, why not zone urban neighborhoods? This makes sense.

Ms. Campbell said that through this process, we will try to respond to this issue, because that is a complex issue, because some people don't want that.

Citizen: Why are there only two definitions? Why not have a mixed-use definition?

Ms. Campbell stated that the Zoning Ordinance has a definition for "mixed-use" and "multi-use" definitions but they don't address these uses specifically.

Citizen: It would be useful in the process to have a detailed history of the current law. When it was passed, when was that interpretation of restaurants not allowing any entertainment at all was made, who made the interpretation, what was the date, what was the process, and provide a history of how has it been enforced.

Citizen: I was a radio broadcaster here from 1969 to 1983 and served in marketing and public relations with the hospitality and tourism alliance in the past. One day I was late getting to work because of traffic, and I somewhat facetiously opened one of my radio show with "Sir, I deeply understand where you are coming from". I began my show with "If you moved to Charlotte after 1985, go to hell home". Part of our problem is that in the course of growth, we did not put some things in place to adequately manage that growth. That is why we are here now. Someone suggested that the state definitions are already in place and may be more in line with what we're trying to do and we are asking you to look at that. But guys, we're glad you're here and that you bring \$2.4 billion annually into the community. We want to make it easy for everybody to do business here. We're glad you are here as new neighbors. The company I've been in business with since 1957 has been in 6 different locations. The last location opened 19 years ago and is located on the fringe of a neighborhood, but there are no complaints. So I'm glad you're here. I don't want anybody to go home. But I do want us, as your new neighbors, to figure out a way so that we can all thrive and grow here. As I look around, 70-80% of the people in the room came here after 1985. I want to welcome you here.

Ms. Campbell asked if there were any other concerns with the process. She wants everyone to have had an opportunity to address their issues or concerns with the process.

Citizen: Can the City of Charlotte provide partial relocation services to move people away from these uses to a community more suited to them?

Citizen: Is there a way to have more community involvement from residents? Is there a more conspicuous way to broadcast this? Can the City do all that is possible to make sure that all citizens and residents can be aware of these meetings and become involved, so that it doesn't nullify the process later because of the balance? Can the City reach out to all neighborhood associations and the business chamber of commerce? I want to keep a balance and be fair.

Ms. Campbell said yes, and we have, and will continue to do that. She encouraged all of the people present to help get the word out.

Citizen: What is missing today in our society is that for older folks, the nightclubs they experienced do not exist today. Nightclubs and restaurants have merged. We need to look at Atlanta and Nashville and their urban lifestyle, which is successful. How have they succeeded?

Citizen: With regard to the process, we need to define what the problem is. We have heard it is noise. Definitions come after we define the problem. We first need to understand the problem.

Ms. Campbell said that unfortunately, we are already starting out with definitions. We have to determine if they should be revised, or if we should start all over. We will work on defining the problem.

Citizen: Are you making every effort possible to contact all the businesses affected here by these changes? Is there a way that the City can take suggestions on-line or through e-mail from business owners and residents? Then a lot of these concerns from business owners and residents can be processed and summarized in a bullet format before the next meeting, and you won't have to rehash them again. You can have talking points at the next meeting, based on the top bullet points expressed in relation to zoning. That would be a great way to proceed.

Ms. Campbell noted that there are some people here who did not attend in the past, and that is why we had to rehash some of the information tonight. Ms. Campbell referred to a slide that provided information on who the meeting notices were sent to: nightclubs and restaurants in the City's data base (excluding fast-food restaurants), everyone on the neighborhood contact list, and other interested parties.

Citizen: I think that "nightclub" is an antiquated term today. Maybe "venues" is a better term. For example a "music venue" includes lectures, art shows, events in the day and events at night. The term "nightclubs" is a misnomer because nightclubs are not open all night.

Citizen: How much research has been done?

Ms. Campbell said we've done some research, but will do more. We have researched a number of communities. We will get that out to you before the next meeting. Unfortunately, there is not a whole lot of continuity between these communities.

Citizen: At the first CAG meeting, there were only three to four bar owners. One thing that needs to go away is the introductions at the next meeting. That used up 20% of our time and accomplished absolutely nothing. We broke into brain-storming groups at previous meetings. If we do that at future meetings, put the neighborhoods in one group, bar owners in another, and try to put the two together at a following future meeting, so that we aren't getting into the conflict going back and forth. We need to resolve this and we only have four meetings left before we go to Council.

Ms. Campbell observed that if we segregate people into groups, residents don't get to understand the issues, and how these businesses operate today.

Citizen: What we are missing is the definition of "entertainment". Emeril Lagasse can entertain us in his restaurant, so that is a definition. What I would like to suggest is that Council should think about going to Austin, Texas, to see how loud that community is and how the community and entertainment venues work together.

Citizen: I would like to see better information coming back to us. I was not involved in the past. I was aware of them. I would try to find information and get results of the meeting, so I could read up, but I couldn't find it. I. It wasn't clear where it was on the internet. It

wouldn't download. For the process of getting information back from you and everyone here, open up a twitter account, where we can all talk back and forth. Maybe more neighborhood involvement would help them understand us. As for the survey of other cities, link to it, let us know how to go there. I would like to see better information coming back to us.

Citizen: I represent the restaurant association. Our biggest issue is that we want to define entertainment for restaurants and bars and understand what is going to happen to our current venues already open, and what will happen with any new establishments.

V. *Wrap Up and Next Steps*

Ms. Campbell said that four future meetings are planned, if we need them. The meetings will be from 6:00 pm to 7:30 pm and will take place in Room 267 of the Government Center.

February 19, 2013	Tuesday
March 5, 2013	Tuesday
March 21, 2013	Thursday
April 2, 2013	Tuesday

Ms. Campbell asked if Tuesday's and Thursday's were bad days or good days to meet. She explained that to be inclusive and have residents from neighborhood groups participate, the best meeting times are the evenings. She recognizes that the evening time is often the busiest time for many of the restaurant, bar and nightclub owners.

A citizen said that the NODA meetings were on several of these dates. He would like to be able to take information from this meeting back to the NODA meetings. Another citizen said that the Chantilly neighborhood also met on Tuesdays. The first two dates were the same as neighborhood meetings. Ms. Campbell asked if they were the first Tuesday. The answer was yes. This would not conflict with the meeting in February. A citizen inquired about meeting dates on Saturday.

Ms. Campbell said we are hopeful we can conclude this process with a public hearing in May and a June City Council decision.

Citizen: I want to find out how restaurants and bars can expand their business and stay open until 4:00 or 5:00 in the morning. This will bring in more tax dollars.

The next meeting will be held on Tuesday, February 19th. Between then and now you will be receiving information. She thanked everyone for coming.

The meeting was adjourned at 7:29 p.m.