College Station Police Department

Northgate Public Safety Policy Analysis

January 2005

EXECUTIVE SUMMARY

The City of College Station has done a commendable job in redeveloping the Northgate area as an entertainment district, subsequently, the businesses and increasing crowds in the area has revealed growth problems that must be addressed.

The problems identified to date are:

- Unregulated drinking
- Pedestrian and vehicular traffic congestion
- Large amounts of trash
- Sanitation issues related to vomit and urine in the area

Those problems have increase exponentially in the recent past due to the number of bars increasing from 4-5 to 13-14. The numbers of violations for alcohol related issues and assaults have more than doubled between 2003 and 2004.

College Station currently allows drinking in public areas of Northgate and is in the minority of cities that host Big 12 schools by allowing that consumption. While College Station should not take action just because others have, the recent events have shown why other similarly situated jurisdictions have chosen to take an approach to regulate drinking.

The College Station City Council passed a resolution in October of 2004 that acknowledged that the possession of an open container and the public consumption of alcoholic beverages in the Northgate area is a risk to the health and safety of the citizens of College Station. As such, four possible policy options were evaluated in an effort to determine what would be the most viable direction to take that would take stake holder's concerns into consideration.

The options evaluated are:

- To maintain the status quo
- Limit consumption to that which is purchased in Northgate by use of a designated cup.
- Prohibit all but paper drink containers in the Northgate area
- To prohibit open containers and public consumption of alcoholic beverages in the designated Central Business District of Northgate with provisions for special events.

Each of these areas was evaluated on the basis of efficiency, public safety, administrative feasibility, political feasibility, and legal feasibility.

Through this evaluation, the status quo fails to address any of the negative issues and is not a viable option since those negative problems have that have arisen have been acknowledged and need to be addressed. The ordinance requiring all consumption in Northgate be from purchases made in Northgate would be a good resolution for all parties but it is not legal for any agency other than TABC to regulate alcoholic beverages. A paper container ordinance would be difficult to enforce since it would include, as

violations, such innocent acts as walking though Northgate with a bottle of water or a soft drink. This ordinance would also fail to address many of the problems such as unregulated drinking.

The only option that is feasible, legal, and addresses the negatives issues raised, is to enact an ordinance that prohibits open containers and public consumption of alcoholic beverages in the designated Central Business District of Northgate. However, with this said, there is much desire to maintain the uniqueness of Northgate and preserve the ability to provide for a festival or special event atmosphere.

By allowing a provision for special events in the creation of the ordinance, individuals or groups could secure a special event permit from the City, in turn taking responsibility for the event. Doing so would involve:

- Provision of a date and time for the event
- Estimated attendance
- Site Plan to include accommodations for restroom facilities and trash receptacles
- Insurance Policy for death or injury
- License Bond for clean up of debris and to cover potential damage to property
- Providing proof of insurance
- Declaring a licensee or concessionaire to sell alcohol for the event
- Provision for security

By requiring the special event process to be followed, many of the concerns previously mentioned would be addressed. Drinking in the area would be regulated by the licensee or concessionaire. Since there would be regulated drinking, much of the over indulgence that is occurring today would be significantly minimized. The concerns regarding the pedestrian traffic would be minimized as those drinking would be confined to a designated area. Trash would be reduced as alcohol from outside the area would be prohibited and the licensee or concessionaire would be responsible for the disposal of trash. More oversight of the area would occur because peace officers would be assigned to the event in addition to the regularly scheduled duty officers.

The only issue to be resolved would be how to go about defining the perimeter of the event area. Some type of easily understood perimeter would be required to indicate what area open containers and public consumption was permitted pursuant to the special event. It would be our recommendation to enter into a dialog with the merchants of Northgate on means of funding such a perimeter. One idea is to have a decorative wrought iron fence built that would not only provide for an area for special events but could enhance the Northgate area by adhering to the theme already present in the area.

Overall, this approach would address each of the negative issues mentioned and is legal and viable since TABC has already issued an order allowing College Station to enact such an ordinance. To view the options and issues in a matrix form please see the matrix at the end of this document.

INTRODUCTION

The Northgate District of College Station has traditionally been the center of activity for this University community and has recently realized some problems attributable to the growth and development of that area. Over the past generation, Northgate has been the entertainment district which consisted of 4-5 bars and some other retail and eating establishments. During the past several years this area has rapidly developed into a thriving entertainment district consisting of 13-14 bars as well as several more restaurants and live music venues. The City of College Station has done an outstanding job in developing the area to be an attractive meeting place and the main meeting place is the promenade situated in the back of businesses located along University Drive. The fast development of the area has created large crowds that come to both enjoy the venue and to consume alcoholic beverages. While the Northgate market is thriving, there are some negative external problems that have accompanied that success. Problems occur when those crowds become too large and the alcoholic beverage consumption goes unregulated leading to assaults, alcohol violations, and trash. Some issues regarding problems in Northgate have been raised and several policy options have been proposed to address those concerns. Those options are evaluated here, in an effort to identify the most plausible and effective policy for the Northgate area.

NORTHGATE PROBLEMS

The Northgate promenade has been in existence for several years now along with the parking garage located on College Main. Shortly after these areas were established, and as would be expected and anticipated, some popular businesses began locating in the area. The Corner Bar, Logan's Bar, Antonio's Pizza, and Gatsby's are a few of the new businesses to locate in the area recently. Along with the new businesses and parking availability, larger and larger crowds have come to the area. Games days and special events weekends have recorded crowds so large that the roadways in the area are completely congested and impassable to vehicular traffic due to pedestrian volume. One of the unique features of the entertainment district in College Station is that consumption of alcoholic beverages in the public areas has gone unregulated. This was not a problem with the smaller Northgate of the past, but it has turned into a real issue with the larger crowds of today. The populous has caught onto the fact that instead of purchasing alcohol at the bars in Northgate, they can bring coolers, kegs, and other large containers of alcoholic beverages to the area and experience the entertainment of Northgate at a fraction of the cost. The problems that this has brought to the area are a direct threat to the safety and well being of those who frequent the area. The key problems can be broken down into four different areas:

UNREGULATED DRINKING

Bar and restaurant owners are responsible for those people who enter their establishment for the purpose of alcohol consumption. The business is held accountable to serve only those who are of legal age and who are not intoxicated. Those people who choose to drink on the promenade from private sources of alcohol are not regulated by any business and answer only to the police in the area. With several thousand people in the public areas of Northgate, there is no way that the police department can adequately regulate that drinking. The result is that people frequently drink to excess and that fact is not made

obvious until it is too late and that person either causes problems or becomes ill due to over indulgence. There are also minors in the area who are able to drink alcohol brought to the location by third parties. Teenagers in outlying areas such as Bryan, Caldwell, and other surrounding cities have taken note of the availability of alcohol in Northgate and have been coming in larger numbers. The law enforcement problems created by the unregulated drinking have been vastly increasing in the recent pass. For the period of 2003 compared to the first 10 months of 2004 the following statistics show the increase in violations:

- Minor in Possession- 165 to 317- 92% increase
- Liquor Law Violation – 38 to 77- 103% increase
- Public Intoxication - 27 to 62- 130% increase
- Fail to ID (Lie about age) -14 to 44 214% increase
- DWI - 7 to 13- 86% increase
- Assault -34 to 36 – 6% increase
- Aggravated Assault - 1 to 10- 900% increase

It should also be noted that without the dedicated efforts of the police department in directing as many patrols as possible in the area, these numbers would be worse. There should also be a special thanks to Carpool for providing numerous rides to intoxicated patrons which goes a long way in preventing many of the aforementioned offenses.

TRAFFIC CONGESTION

Increased numbers of patrons results in increased vehicular and pedestrian traffic in the area. Some of the traffic is what would be expected of people going from bar to bar or going from a bar to a restaurant. The real problem is with those masses of people who start out on the sidewalk or promenade drinking and with the growth of the crowd, end up in the street drinking. We have had many near-miss auto/pedestrian accidents and on busy nights have been forced to completely close College Main between University Drive and Church Street due to the fact that pedestrians had “taken over” the street and it was impassable for vehicular traffic. There is also a problem with traffic as the bar crowds spill over into University Drive.

TRASH

The unregulated drinking along with the drinks consumed from businesses in the area put a tremendous strain on the resources in the Northgate area that deal with trash disposal. The city recently installed several extra trash receptacles in the area and that made only a minor dent in the amount of trash generated on a busy night. At the end of a busy night there is a complete covering of the ground throughout the entire Northgate area that consists of drink containers. Some of the tables on the promenade have large pyramids of beer cans and the cups and empty 12 packs and 30 packs of beer are littered throughout the area. The trash problem doesn’t stop at just the Northgate area. We have received complaints from the local businesses and Churches in the area about the tremendous amounts of trash that make it onto their properties due to the Northgate crowds. Some of these areas, such as Churches, conduct day care operations and those children find adult oriented trash on their playgrounds when they go out to play.

SANITATION

In addition to the trash created, there are other sanitation issues that have been voiced; the two most common issues are vomit and urine. The unregulated drinking lends itself to over indulgence as was previously mentioned and the over indulgence lends itself to vomiting. I have slipped in vomit in the area on more than one occasion since you cannot see the ground through the trash and when you step in the vomit it causes you to slip. The vomit has also been reported in surrounding areas as the trash has been. Specifically it has been reported on the playground of the Church daycare center. Along with the vomit comes the smell and stench that remains in the area. The smell and stench also include urine. Since a large amount of people choose to drink in the public areas of Northgate, there are currently no restroom facilities available to those people. One option they have is to go into the businesses that they are not patronizing in order to use their facilities. The result is an overcrowding of restroom facilities and even more people choosing to relieve themselves in outside public areas. The police department cites many people for exposing themselves in public for purposes of urination, but there is no way to catch all of them. The result is that people seek out little nooks and crannies any where they can to relieve themselves. At the end of a busy night the entire area smells like a toilet.

STEPS TAKEN TO REMEDY PROBLEMS

In October of 2004, the College Station City Council adopted a resolution finding that the possession of an open container and the public consumption of alcoholic beverages in the Northgate area are risks to the health and safety of the citizens of College Station. The resolution along with the designation of the Northgate area as a Central Business District are requirements set forth by the Texas Alcoholic Beverage Commission in order to prohibit public consumption and open containers. That resolution was taken before the TABC on December 20th, 2004 and an order was issued allowing the City Council to pass an ordinance prohibiting consumption and possession of open containers should they choose to do so.

POLICY OPTIONS

I have included an evaluation of four possible options to deal with the issues that have arisen in Northgate. While there are other possible options, these are the four most commonly mentioned. Each will be evaluated in terms of efficiency, impact on public safety, administrative feasibility, political feasibility, and legal feasibility.

STATUS QUO

We could choose to do nothing with the Northgate area and continue to function as we currently do.

Efficiency

To do nothing would change nothing with the immediate financial impact on businesses in the area but would impact city services to the area. In order to maintain a reasonable level of safety for the patrons in the area, the police department would have to provide more officers in the area to enforce the laws. The officers would be responsible for curbing unregulated drinking as best they could and to address the criminal offenses that

stem from that drinking. They would also have to obtain resources to close the roadways in the area when pedestrian traffic finds itself at substantial risk to vehicular traffic. The resources required would be barricades and officers to man those barricades as well as officers to patrol the resulting pedestrian crowds in the street in order to keep the peace. There would also be an increase in services provided for sanitation in order to clean the volumes of trash that accumulate as well as providing more restroom facilities in the area to accommodate those who are not frequenting a business establishment.

Public Safety
The status quo would provide no impact on unregulated drinking, crowds, trash, or sanitation.

Administrative Feasibility
No change would be implemented so the only change in feasibility would be the ability to provide more city services to the area in order to maintain public safety.

Political Feasibility
It would be difficult politically to maintain the status quo since recognition of a problem and a desire for a change has been identified.

Legal Feasibility
This option would be perfectly legal

ALCOHOL CONSUMPTION LIMITED TO THAT SOLD IN NORTHGATE

This option has been brought up in different forms such as permitting Northgate vendors to sell alcohol in specific identifiable cups, but the main theme is to prevent alcoholic beverages from being consumed unless they were purchased in Northgate.

Efficiency
This option would likely increase the financial benefit for those businesses in Northgate that sell alcoholic beverages since some of those that normally engage in unregulated drinking would choose to purchase from a business. There would also be less impact on city services with this option. Police services and sanitation would still be affected due to the number of people in the area drinking, but it would most likely be a lot less than it is with unregulated drinking.

Public Safety
In theory this would solve the problem of unregulated drinking. As long as such a policy could be implemented, there would be no unregulated drinking.

There would be a substantial impact on sanitation and trash issues since those drinks sold by businesses would likely result in the patron coming back to that business and depositing their trash at that location. That opportunity of purchase would also present the opportunity to relieve the patron at the restroom provided by the business.

The traffic congestion would also improve but not as significantly as the unregulated drinking and trash categories. Fewer people would be standing around in the area drinking since they would keep returning to a supply source. Currently the supply source can be stationary with the patron such as a cooler or 12 pack of beer.

Administrative Feasibility
It would be difficult if not impossible to enforce this option. People could obtain a drink container from a bar and keep refilling it with their own source of alcohol and it would be impossible to tell where the alcohol came from.

Political Feasibility
This would be a popular option that would satisfy most patrons and business owners. The few patrons that would be against such an option are those bringing the mass quantities of cheap alcohol and those persons are the origin of the problems that are occurring now.

Legal Feasibility
This option is not legal. TABC reserves the right to be the sole regulatory authority of alcoholic beverages in Texas and this option would be regulating alcohol consumption. Furthermore, TABC code provides for a discrimination clause which prohibits governmental entities from imposing stricter standards on premises or businesses than those required by the code.

PAPER DRINK CONTAINERS ONLY

This option would involve the passage of an ordinance that prohibits drink containers that are not paper. The exceptions would be for those containers that are delivered to businesses and those used to feed babies. The ordinance would work much like the current glass ordinance. As previously stated, TABC prohibits any other governing body from regulating alcoholic beverages and this ordinance would be something of a back-door approach to regulating alcoholic beverages since there is no real safety concern regarding plastic containers.

Efficiency
The result for financial impact on businesses in the area is not known but we would estimate that there would be little impact. If anything, some businesses may choose to change their license from mixed beverages to a beer/wine so they could sell more drinks that can be taken out into public areas. The resulting impact on city services would be much the same as it is for the Status Quo. While there would be no plastic or cans to accumulate in the trash, there would be more paper cups that would accumulate, thereby making up for volume by displacement. There would also be the need for additional police presence as outlined in those required for the Status Quo.

Public Safety
The paper cups would have some impact on unregulated drinking. Those who choose to drink on the promenade from private source alcohol would be forced to put that drink in a paper cup. That would alleviate those who choose to bring a 30 pack of beer but they

could easily adapt if they choose to do so. The likely result would be a small decrease in unregulated drinking.

The impact on trash and sanitation would be likely equal to that of unregulated drinking since those who chose not to engage in unregulated drinking due to the ordinance would also not be contributing to trash and sanitation problems.

The impact on crowds and traffic would also mirror that of the other two public safety categories. Those who chose not to engage in unregulated drinking due to an inconvenience of a paper ordinance would not contribute to crowds and traffic congestion.

Administrative Feasibility
There would be great difficulty in the administration of this ordinance. Someone who took a bottle of water from campus and walked home through Northgate would be in violation. Someone who bought a can of Dr. Pepper from a convenience store in Northgate would be in violation when they walked out of the store. Clearly we are not trying to outlaw either of those situations but that is a consequence for taking a back door approach to the regulation of alcoholic beverages.

Political Feasibility
This option would be difficult to adopt from a political standpoint since it does very little to address the identified issues where change is desired.

Legal Feasibility
This option would most likely be legal but would be very difficult to administer in the legal system. Those charged with prosecuting could be in a position to have difficulty interpreting the intent of the law as pointed out in the water and Dr. Pepper scenarios.

ORDINANCE BANNING CONSUMPTION

This option would be to follow through with the resolution passed by City Council and follow it with an ordinance that identified the Northgate area as the Central Business District of the City of College Station, and prohibit consumption of alcoholic beverages or possession of open containers in that area.

Efficiency
This option would likely have a negative impact on businesses in the area that currently operate under a beer/wine permit since they would not be able to sell off the back porch to patrons that drink in the promenade area unless a special event permit had been secured. Other businesses may see no effect or may see an increase in business if patrons choose to stay in that establishment to drink.

This option would have a positive impact on city services since they majority of trash would be deposited in the businesses that generated that trash. This would also not require as much of an increase in police services to try and regulate activities since the businesses would be taking much of the responsibility.

Public Safety
The impact on unregulated drinking would experience a great improvement. Those that are drinking or in possession of an open container in public areas would be in violation of the ordinance and enforcement action could remedy that. Those that are in the businesses drinking would be regulated and the business would be held accountable by TABC for properly regulating that consumption and purchase of alcoholic beverage.

The trash and sanitation areas would show a vast improvement. People would not be able to leave the bars with an open container and the businesses would therefore collect all of the trash related to consuming alcohol. Those patrons would also have facilities to use and this would help prevent the urination in public. If properly regulated, there should be fewer people needing to vomit and thereby making the entire area more sanitary and better smelling.

The crowds should be reduced to large closing time crowds. While there would be people going from bar to bar, there should not be the concentrated mass of people standing in the streets drinking and that should result in a reduction of traffic safety concerns.

Administrative Feasibility
This could be easily administered since there is precedence to follow and the usual implementation of a new ordinance would be followed. Patrons would be warned for a period of time until there is broad knowledge of the ordinance. After an initial warning and public education period, enforcement action could be taken on those that chose to disobey the rules.

Political Feasibility
Some difficulties would occur since there are those that are opposed to infringements on their ability to openly drink in public areas of Northgate.

Legal Feasibility
This option is legal and backed by the City Council Resolution and TABC Order.

EVALUATION AND RECOMMENDATION

In our evaluation of the options presented, we found that the choice to try and resolve the identified problems was fairly simple. The only legal, feasible option that effectively addresses the health and safety issues identified is the ordinance to ban possession of open containers and consumption of alcoholic beverages in the public areas of the Central Business District with a provision for special events. We base this choice on the impacts that were identified and while those impacts are not certainties, they are the best intuitive response that we could forecast. The status quo is clearly not the best option since these issues would never have been identified if that were the case. The limitation of consumption to that alcohol purchased in Northgate would likely be the best option if it was feasible, but legally, the City cannot regulate alcohol in a manner not authorized by TABC. The paper drink containers approach has great difficulty in the feasibility of administering such an ordinance, would not significantly impact the negative issues set

out as defining the problems in Northgate, and would criminalize otherwise innocent situations. The only other option that we have been made aware of is the banning of kegs and coolers in the Northgate area. We did not fully analyze that option as it presents extensive problems with enforcement and does not address all of the other forms of alcohol that are brought to the Northgate area.

Goals	Impact Category	Goals for Northgate Consumption			
		Status Quo	**Alcohol consumption limited to that sold in Northgate**	**Paper drink containers**	**Ordinance banning open containers/consumption**
Efficiency	Financial impact on businesses	No Change	Unknown: Likely to result in increased revenue	Unknown: Likely to have little effect	Unknown: Likely to negatively effect those with beer/wine permit
	Impact on City Services	Increased manpower to maintain public safety and sanitation	Not as much of an increase in manpower due to less unregulated drinking	Increase manpower to maintain public safety and sanitation.	Less impact on services due to less trash and unregulated drinking
Public Safety: Negative Externalities	Impact on unregulated drinking	None	Substantial Improvement	Some decrease	Great Improvement
	Impact on trash and sanitation	None	Substantial Improvement	Some change with a little less trash	Great Improvement
	Impact on crowds in the streets and parking lots	None	Somewhat smaller crowds	Some change possible with a little less crowds	Much smaller crowds during drinking hours
Administrative feasibility	Likelihood change can be implemented	No Effect	Great difficulty if not impossible to enforce	Some difficulty with enforcement	High
Political feasibility	Likelihood of successful adoption	Difficult: Desire for a change is being shown	Less Difficult: Does address some problems	Difficult: Does not address all problems where change is desired	Difficult: Addresses all problems but is not popular with all
Legal feasibility	Legality of option	Legal	TABC maintains sole authority to regulate alcohol. May not be a legal option	Most likely legal but difficult to enforce	Legal