DIRECTORS'/ORGANIZATIONAL AGENDA
ADDENDUM
Monday, June 8, 2020

I. CONSTITUENT CORRESPONDENCE

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BOURBON THEATRE

Bourbon Theatre
1415 'O' Street
Lincoln, Nebraska 68508
bourbontheatre.com

5/28/2020

Lincoln City Council
Attn: Jane Raybould
555 South 10th Street
Lincoln, NE 68508

Re: *Local CARES Act funding*
Bourbon Theatre

Dear Ms. Raybould,

I am writing to you in your capacity as chair of the Lincoln City Council on behalf of the Bourbon Theatre. I understand that the city may be receiving certain relief funding from the federal coronavirus aid received by the State of Nebraska, a portion of which may become available to assist local for-profit businesses faced with detrimentally significant interruptions.

The Bourbon Theatre is facing a very stark reality, one in which our future is in question. Our contribution to the local economy, our impact on tourism, and our contribution to the overall quality of life and workforce retention is far-reaching. We are a key component of the arts and entertainment / live music portion of the planned cultural district, part of the 2018 Downtown Lincoln Master Plan. We were one of the very first businesses to close and quite likely be the very last to re-open. A brief summary of some relevant numbers are as follows:

- **2019 total attendance** was **51,453 (4,287 per month)**. We hosted ticket buyers from **44 states**, 2 provinces in Canada, and D.C.
- **2019 sales tax paid $114,225.41**. We paid the city more than $8k in expenses for outdoor shows and we paid parking $5,000.00 to park tour busses.
- We employee in the neighborhood of 25 people – 4 full-time and 20+ part-time. **Payroll** average is **$20k** per month. While PPP has certainly helped keep our dedicated employees, it is a band aid which is going to come off this next week. At that point, we will not be able to sustain the $20k and our mandatory overhead expenses set forth below.
- Since the closure in March, the Bourbon has issued over **$50k** in ticket refunds. At least 46 tours have been canceled or postponed thus far. It is quite likely that we will have to refund all remaining tickets as the tour postponements turn into cancellations (and these are growing in number by the day).

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- Average overhead, not including payroll, is running **at least $18k per month**. This includes, but of course is not necessarily limited to, rent, loans, utilities, insurance, necessary licensing fees, ASCAP / BMI, maintenance / repairs, etc. A **6-month closure** would mean a loss of **$108k**; a **12-month closure** is **a $216k loss**. Either is literally catastrophic.
- The economic impact on the local community includes, but is not necessarily limited to, hotel rooms, restaurants, downtown stores, parking garages. Just looking at 2019 (which was neither an unusually "up" or "down" year), the **gross ticket sales were $1,079,744.00**. Using the **$1-$12 ratio** (see attached NIVA release dated April 22, 2020), the Bourbon Theatre's benefit to the local economy was **$12,956,928.00**. We are comfortable relying on that number as an approximate 10-year average.

The Bourbon Theatre's limited operations will likely extend past any locally ordered re-opening guidelines due to dependence on a national re-opening for the touring artists upon which we rely for our operation. We are not a "bar" in any traditional sense of the word; we cannot offer live music performances or stand-up comedy via curbside pickup or delivery. We are realistically looking at a closure of 6-18 months. Other similarly situated venues in our industry, from smaller clubs to big arenas and amphitheaters, are predicting there will not be a true reopening for music venues until there is a treatment for COVID-19. I recently spoke with an agent who indicated they would not be booking tours until at least the summer, if not fall, of 2021. Unfortunately, this is the reality with which we are faced. As you might imagine, we are facing catastrophic losses and will likely be left with little choice but to permanently close.

We hope you will consider a grant from any Coronavirus Relief Funds awarded to the City of Lincoln to help ensure the live entertainment industry survives this closure as we know it is a vital, and much needed, part of our community. We have worked diligently for years to independently build this industry in Lincoln without ever asking for any financial assistance. We do not want to see our local live music institutions disappear because of this crisis, nor do our tens of thousands of dedicated fans.

Sincerely,

Sean M. Reagan
Attorney-at-Law

SMR:s
enc.

Angela M. Birkett

From: Bob Reeves <bobreeves63@gmail.com>
Sent: Saturday, June 06, 2020 6:30 AM
To: Council Packet; Council Packet; James M. Bowers; Tammy J. Ward
Subject: body cams

[CAUTION] This email comes from a sender outside your organization.

Dear council members:

I hope the council will give serious consideration to giving sufficient funds to Lincoln Police Dept. to have body cams for every officer. Knowing that every encounter between police and citizens in being recorded can help to raise public confidence in law enforcement. Lincoln Police Captain Don Scheinost, in response to questions from our Clinton Neighborhood Organization board, made the following comments:

LPD does not currently outfit all on-duty police officers with body cameras. We do have two of the five geographic teams, including Center Team (the area including the Clinton Neighborhood) that require on-duty uniformed officers to wear body worn cameras. We are doing what we can to move to the point where all Lincoln Police Officers wear body cameras. The reason all are not using cameras now is money. The cameras are expensive. Additionally, the storage of literally thousands of hours of video is extremely expensive. Some of that video needs to be saved for an extended period of time. Simply storing it on a computer is not enough. There also needs to be a backup system to ensure the video is not lost as well. As the funds become available, we do want officers to have access to body worn cameras. My officers really like the cameras a lot, and I like being able to see exactly what happened as well. The City and County Attorney's Offices also fully support the use of body worn cameras by Lincoln Police Officers. They are a much needed tool that Chief Bliemeister wants every officer to have.

I think it would be worth the additional costs to equip every officer with the cameras. Please consider this as you plan the budget for the coming year.

Sincerely,

Bob Reeves
3236 Dudley St.
Lincoln, NE 68503
402-464-1803

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
LINCOLN BRANCH P.O. BOX 81322 LINCOLN, NEBRASKA 68501-1322
VOICE MAIL (402) 475-4700

RE: Lincoln Hate Crime Ordinance

Dear City Council Members,

On behalf of the Lincoln Branch NAACP, I am writing this letter in support of the proposed new ordinance making Hate Intimidation an offense covered by a city ordinance. For more than 100 years, the NAACP has advocated for equal and fair treatment of all persons, regardless of race, sex, national origin, religion, sexual choices, etc.

In view of hate activities that have occurred in our community in recent years, we feel that it is time for our local government to take actions that are within our purview to assure safety and promote respect. We feel that the proposed ordinance will help move us toward these ends. Therefore the Lincoln Branch NAACP encourage the Lincoln City Council to approve the above proposed ordinance. We know that our community will continue to prosper when we work together to provide an atmosphere that is inviting to persons from diverse backgrounds.

Thank you for your service to our community and we stand ready to do whatever we can to make Lincoln the place where all persons would like to live. If you have questions or comments, please feel free to contact me at 402-488-0853.

Sincerely,

Dewayne Mays

Dewayne Mays
President Lincoln Branch NAACP

Angela M. Birkett

From: Nancy Russell <nancymarierussell@gmail.com>
Sent: Sunday, June 07, 2020 9:54 AM
To: Council Packet; mark.freeouf@done.edu
Subject: Hate speech ordinance

[CAUTION] This email comes from a sender outside your organization.

Dear Council members: With the increased persecution of Christians, this could be a great help in relieving the hate speech directed towards them. On the other hand perceived is a special word that could be hard to define. Some parties feel that hate speech should only apply to their particular cause. Therein lies the problem. All in all, we need to think long and hard about this one, is it even constitutional?
Best wishes, Nancy Russell

Angela M. Birkett

From: David Wiegand <clear28695@yahoo.com>
Sent: Sunday, June 07, 2020 2:27 PM
To: Council Packet
Subject: "Hate speech" ordinance? NO!

[CAUTION] This email comes from a sender outside your organization.

Council Members,

NO on this "Hate speech" ordinance.

Major defect of this proposed ordinance is that there is no OBJECTIVE standard established with which to establish, "...intent to intimidate another person or persons..."

An objective FACT is something that can be proven to exist by visible evidence.

If a crime has been committed, it's occurrence can be determined by visible evidence. A person DID something. What OBJECTIVE FACTS will be used to prove "intent." This needs to be spelled out.

As it is NOT spelled out in the proposed ordinance, AND as "intent' of a person can only be determined by some kind of voodoo mind reader, I say NO to this ordinance. .

Do you REALLY propose to enact some sort of ordinance establishing "mind reading?"

Are you now THOUGHT POLICE?

Rev. David F. Wiegand, Retired
5311 Greenwood Street
Lincoln, NE 68504
402-432-5689

Angela M. Birkett

From: Anne Hubbell <amhubbell@gmail.com>
Sent: Sunday, June 07, 2020 4:23 PM
To: Council Packet
Subject: Ordinance 20-71

[CAUTION] This email comes from a sender outside your organization.

Dear Members of the City Council,
I am writing to express opposition to the ordinance amending Title 9 of the Lincoln Municipal Code to create a separate 2 offense for a person who violates any chapter under this title with the intent to intimidate another 3 person or persons due to that person's actual or perceived status.

I am a citizen of Lincoln and I am concerned about the unintended consequences. I have read a little about this type of ordinance and am concerned that it is going down a slippery slope. One question is who decides what is intimidating? Another question is don't we already have existing ordinances that deal with hate crimes?

I would ask you to strongly consider the implications of this ordinance and vote against this ordinance.

Sincerely,
Anne Hubbell

Angela M. Birkett

From: Sandra Hilsabeck <outlook_4D6158F7CD1E6885@outlook.com>
Sent: Sunday, June 07, 2020 4:52 PM
To: Council Packet
Subject: Bill 20-71

[CAUTION] This email comes from a sender outside your organization.

I am writing to express my opposition to Bill 20-71 "Hate Speech" Ordinance".

A law in our free country should not be written where a personal determination about another's motive is involved in determining the legitimacy or punishment of a crime. One human cannot ascertain another's motive. This is only done in communistic governments and kingdom's. Ours is a free society with clearly written laws which should not be watered down with someone deciding another's motive for the crime.

Also, why would Black Lives Matter want to destroy or deface Abraham Lincoln. Don't they realize, it was him, as President, that helped free the slaves?

Sandra Hilsabeck
402-489-5613
shilsabeck@neb.rr.com

Sent from Mail for Windows 10

Angela M. Birkett

From: Kathy Hill <kahill755@gmail.com>
Sent: Sunday, June 07, 2020 6:42 PM
To: Council Packet
Subject: Bill 20-71

[CAUTION] This email comes from a sender outside your organization.

Dear City Council Members,

I am writing in opposition to the proposed Bill 20-71 which changes language for Title IX. I am physically unable to attend the City Council meeting on June 8, 2020, to speak to this in person.

We currently have statutes that cover any actions addressed in this revision. Adding the "intimidation" language and assigning a misdemeanor penalty in addition is not in the public's best interest.

"Intimidation" is in the eye of the beholder. I have been told that when I sing at church with my classically-trained voice that I am "intimidating" to others, and they don't feel they can then sing. I recognize this is a somewhat disassociated scenario, but it makes the point that feeling "intimidated" is always the responsibility of the individual.

I have lived in areas of the USA for over a decade where I was a minority as a white woman. I suffered racial and religious bias regularly. My safety was threatened. My personal level of "intimidation" informed my choices, and that responsibility was rightfully mine to interpret and act upon. If I felt unsafe, then I needed to assess my reasons for those feelings, and take appropriate action. That generally meant that I did not go into certain neighborhoods and businesses. Do I feel this status quo is correct or acceptable? No, I do not. However, it is my opinion that we judge each other incorrectly all too often, and this bill gives others a "duty" to assess my motivations on-the-fly and detain me with very little information. It basically changes situations to "guilty until proven innocent." And I ask, how exactly do we assess a person's thoughts and heart on the street?

As a registered voter in Lincoln, I urge you to dismiss this bill. I only see increased division and injustice by basically telling citizens they can only have certain feelings and thoughts. If those thoughts and feelings are "intimidating" in someone else's opinion, then they are worthy of arrest, incarceration and fine. This is a very dangerous precedent to set as a knee-jerk response to unfortunate activities by others during the last two weeks. Please do not do something for the sake of doing "something" at the insistence of some. We must carefully do the "right" things at the right time. This action does not fit that criteria.

Thank you for your time and considering my position.

Kathy Hill
3601 Melrose Ave.
Lincoln, NE 68516
531-500-4955

Angela M. Birkett

From: Brian Petermann <petermann100@gmail.com>
Sent: Monday, June 08, 2020 7:30 AM
To: Council Packet
Subject: Hate Intimidation Offense Ordinance

[CAUTION] This email comes from a sender outside your organization.

Dear City Council Representatives,

I urge you all to vote against the Hate Intimidation Ordinance that is going to be debated and possibly voted on by the City Council on Monday, June 8th.

There are a few reasons why you should vote NO for this ordinance.

1. This ordinance opens the door for unchecked power. This ordinance could be applied to any circumstance that the city prosecutor wants to pursue. We shouldn't allow any individual, with power to assess a fine and jail time, to have this kind of unchecked power.

2. This ordinance will violate the First Amendment to the Constitution and trample the religious and free speech rights of parents, religious, and other organizations. For example, what happens when someone feel's "intimidated" when a church happens to teach that trans-gendered or same-sex relationships are not morally acceptable? What's to stop someone from turning in a Christian Youth Group organizer, who encourages a confused 12-year old to listen to their parents and not change their gender, because their speech is "intimidating" transgender people?

3. If the "Hate Intimidation Offense" is threatening or violent in nature, it is already illegal. This ordinance is unnecessary.

4. This ordinance is vague. The word "intimidation" is unclear and open for interpretation. This ordinance will make it illegal for someone to say something that makes someone else feel a vague sense of being "intimidated."

I encourage you all to vote against this Un-American ordinance.

Thank you.

Angela M. Birkett

From: Lance Paulsen <lance.paulsen@gmail.com>
Sent: Monday, June 08, 2020 10:25 AM
To: Council Packet
Subject: Proposed Title IX Ordinance

[CAUTION] This email comes from a sender outside your organization.

Honorable Councilman;

I am writing to urge caution and careful consideration as you prepare to consider proposed ordinance 20-71. We are experiencing tumultuous times right now, and much of it is driven by emotion. This proposed ordinance would seem to threaten both sides of the debate equally, so this is not a call to follow a specific political view. Any legislation enacted during the current social environment should be very seriously considered and move slowly. More time should pass to gain some retrospective on all that is happening.

I urge the Council to table, or vote NO, on this proposal.

Lance Paulsen
lance.paulsen@gmail.com