



## **AGENDA**

### **COMMUNITY REDEVELOPMENT AGENCY**

March 6, 2018

3:00 PM

4816 Chester Street

#### **PLEDGE OF CIVILITY**

We will be respectful of each other even when we disagree.  
We will direct all comments to the issues. We will avoid personal attacks.

- 1. MEETING CALLED TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADOPTION OF AGENDA**
- 5. APPROVAL OF MINUTES**
  - A. February 6, 2018 Regular Meeting
- 6. PUBLIC INPUT**
- 7. ORDER OF UNFINISHED BUSINESS**
- 8. ORDER OF NEW BUSINESS**
  - A. Approve CRA Resolution 1-18, FY 2018 Budget Amendment 1 - CRA Treasurer
  - B. Presentation on Changes to Florida Building Codes Ordinance 10-18 - City Building Official
  - C. Discussion of Proposed Extended Bar Hours in the CRA
- 9. REPORTS**
- 10. COMMENTS**
- 11. TIME AND PLACE OF NEXT MEETING**
  - A. Tuesday, April 3, 2018 at 3:00 PM at 4816 Chester Street
- 12. MOTION TO ADJOURN**

Item Number:	5.A.
Meeting Date:	3/6/2018
Item Type:	APPROVAL OF MINUTES

## AGENDA REQUEST FORM



### TITLE:

February 6, 2018 Regular Meeting

### SUMMARY:

**MINUTES OF THE REGULAR MEETING OF THE  
CAPE CORAL COMMUNITY REDEVELOPMENT AGENCY  
TUESDAY, FEBRUARY 06, 2018**

### ADDITIONAL INFORMATION:

Action Needed

Motion to Approve

### ATTACHMENTS:

Description	Type
▢ Minutes - February 6, 2018 Regular Meeting	Backup Material

**MINUTES OF THE REGULAR MEETING OF THE  
CAPE CORAL COMMUNITY REDEVELOPMENT AGENCY  
TUESDAY, FEBRUARY 06, 2018**

**4816 Chester Street**

**3:00 p.m.**

Meeting called to order by Chair Lomonaco at 3:00 p.m.

Roll Call: Commissioners Gebhard, Keim, and Lomonaco were present. Commissioners Biondi, and St. Peter were excused.

**ADOPTION OF AGENDA**

Chair Lomonaco requested item 8A 'Changes to Florida Building Codes' be moved to the March 6, 2018 meeting because not all Commissioners were present.

***Commissioner Keim moved, seconded by Commissioner Gebhard to amend the agenda and move Changes to Florida Building Codes to the March 6, 2018 Regular Meeting.***

***Voice Poll: All "ayes". 3-0 Motion carried.***

**APPROVAL OF MINUTES  
December 5, 2017 SCCRAB Regular Meeting**

***Commissioner Gebhard moved, seconded by Commissioner Keim to approve the minutes of the December 5, 2017 South Cape Community Redevelopment Advisory Board Regular Meeting as presented.***

***Voice Poll: All "ayes". 3-0 Motion carried.***

**APPROVAL OF MINUTES  
December 11, 2017 CRA Regular Meeting**

***Commissioner Keim moved, seconded by Commissioner Gebhard to approve the minutes of the December 11, 2017 Regular Meeting as presented.***

***Voice Poll: All "ayes". 3-0 Motion carried.***

**PUBLIC INPUT  
None**

Alison Hussey, on behalf of Rotary, presented the Board with a framed copy of the 2018 Cape Coral Festival of the Arts and thanked the CRA Board for their support.

**ORDER OF UNFINISHED BUSINESS**  
**Paver Color and Pattern for SE 47<sup>th</sup> Terrace**

Chair Lomonaco stated there were two options. A survey was conducted and the consensus for stakeholders was to select option B.

***Commissioner Keim moved, seconded by Commissioner Gebhard to recommend approve paver color and pattern Option B for the SE 47<sup>th</sup> Terrace Streetscape Project.***

***Commissioner polled as follows: Gebhard, Keim, and Lomonaco, voted “Aye.”***  
***3-0 Motion carried.***

**ORDER OF NEW BUSINESS**  
**Changes to Florida Building Codes Ordinance 10-18**  
*This item was moved to the March 6, 2018 CRA Regular Meeting.*

**Approve Contract with Ryan’s Pressure Washing**

CRA Coordinator Hall informed the Board the paver sidewalks on Cape Coral Parkway were due for needed pressure washing.

***Commissioner Gebhard moved, seconded by Commissioner Keim to approve the contract with Ryan’s Pressure Washing, Inc. for work to be completed on Cape Coral Parkway between Del Prado Boulevard and Coronado Parkway. The CRA’s portion is \$4,661.13. The total amount for the work is \$9,322.26. The City is splitting the cost to complete the work.***

***Commissioner polled as follows: Gebhard, Keim, and Lomonaco voted “Aye.”***  
***3-0 Motion carried.***

*Executive Director Szerlag arrived 3:17 p.m.*

**REPORTS**

**STAFF**

Traffic Engineer Corbett presented two examples of the Public Parking signs for the City owned public parking lots. One example sign had a blue font, the other had a green font.

***Commissioner Keim moved, seconded by Commissioner Gebhard to approve the public parking signs with the blue font.***

***Commissioner polled as follows: Gebhard, Keim, and Lomonaco voted “Aye.”*** 3-0  
***Motion carried.***

## COMMENTS

Executive Director Szerlag apologized for arriving late, he wanted to thank City Council for making the Advisory Board the CRA Board. He stated the construction on the SE 47<sup>th</sup> Terrace Streetscape project had begun and it would be completed by Christmas 2018.

Chair Lomonaco stated there was a Facebook page dedicated to the 'SE 47<sup>th</sup> Terrace Streetscape Project' to keep everyone informed.

Commissioner Keim – Recommended a press release be issued to explain the reason for the removal of the trees on Cape Coral Parkway E.

Chair LoMonaco – Asked if the status of lighting on the trees could be added to the press release.

Public Works Director Clinghan – stated the removed trees would be replaced and there were issues with the sprinkler systems. Trees were in short supply because of the post hurricane demand and that has delayed the process.

Commissioner Keim thanked staff for the great job on ground breaking ceremony for the SE 47<sup>th</sup> Terrace Streetscape Project.

Board Member Gebhard – No comment.

## TIME AND PLACE OF NEXT MEETING

The next regular meeting was scheduled for Tuesday, March 6, 2018, at 3:00 p.m. at 4816 Chester Street, Cape Coral, Florida.

## MOTION TO ADJOURN

There being no further business, the meeting adjourned at 3:25 p.m.

Submitted by,

John Szerlag  
CRA Executive Director

<b>Item Number: 8.A.</b>	
<b>Meeting</b>	<b>3/6/2018</b>
<b>Date:</b>	
<b>Item Type:</b>	<b>BUSINESS</b>

## AGENDA REQUEST FORM



*Community Redevelopment Agency*

### **TITLE:**

Approve CRA Resolution 1-18, FY 2018 Budget Amendment 1 - CRA Treasurer

### **SUMMARY:**

The purpose of this item is to amend FY 2018 CRA Operating Budget as adopted on June 20, 2017.

The CRA will typically have 1-2 budget amendments annually.

#### Summary of CRA

- Amendment of \$(2,254,543) represents a 49% decrease in the overall budget
- True up of Balance Brought Forward
  - \$2,286,589 or 94% decrease in Operating Fund Balance due to transfer out to a SE 47th Street Streetscape Capital Project
  - Final CRA Values were \$32,046 higher than TIF Revenue Projections for FY 2018 resulting in an increase in Ad Valorem Taxes

### **ADDITIONAL INFORMATION:**

Action Requested: Motion to approve CRA Resolution 1-18, FY 2018 Budget Amendment 1.

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ CRA Resolution 1-18	Resolution
▣ CRA FY 2018 Amended Budget #1 PowerPoint	Backup Material

CRA RESOLUTION 1 - 18

A RESOLUTION OF THE CAPE CORAL COMMUNITY REDEVELOPMENT AGENCY AMENDING RESOLUTION 2-17 WHICH ADOPTED THE BUDGET FOR FISCAL YEAR 2018; AUTHORIZING AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Cape Coral Community Redevelopment Agency (the "CRA") adopted a budget for the CRA's Fiscal Year beginning October 1, 2017 and ending September 30, 2018; and

WHEREAS, the Community Redevelopment Agency desires to amend its Operating Budget for Fiscal Year 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CAPE CORAL COMMUNITY REDEVELOPMENT AGENCY BOARD OF COMMISSIONERS:

SECTION 1. Resolution 2-17 of the Cape Coral Community Redevelopment Agency, which adopted the Fiscal Year 2018 Operating Budget, is hereby amended as detailed in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. This resolution shall take effect immediately upon its adoption by the governing board of the CRA.

ADOPTED at a regular meeting of and by the Cape Coral Community Redevelopment Agency this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CAPE CORAL COMMUNITY  
REDEVELOPMENT AGENCY

By: \_\_\_\_\_  
STACIA LEE LOMONACO  
CRA Chairperson

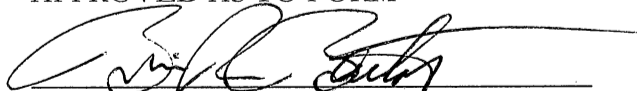
VOTE OF BOARD OF COMMISSIONERS:

LOMONACO	_____
BIONDI	_____
ST. PETER	_____
KEIM	_____
GEBHARD	_____

ATTEST:

By: \_\_\_\_\_  
JOHN SZERLAG  
CRA Executive Director

APPROVED AS TO FORM



BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
CRA FY18 Budget Amendment #1

# EXHIBIT A

## CRA Resolution 1-18

**CITY OF CAPE CORAL**  
**FY 2018 AMENDED BUDGET - FUND LEVEL SUMMARY**  
**Community Redevelopment Trust Fund**

	ADOPTED BUDGET RES. 2-17	BA #1 INCREASE	BA #1 (DECREASE)	BUDGET AMENDMENT #1 CRA RES 1-18
<b>COMMUNITY REDEVELOPMENT TRUST FUND</b>				
<u>SOURCES</u>				
Balances brought forward	\$ 2,443,223		\$ (2,286,589)	\$ 156,634
Revenues:				
Ad Valorem Taxes	790,548	32,046		822,594
Charges for Service	-			-
Miscellaneous	5,700			5,700
Interfund Transfer	1,317,385			1,317,385
Total Community Redevelopment Trust Fund Sources	<u>\$ 4,556,856</u>	<u>\$ 32,046</u>	<u>\$ (2,286,589)</u>	<u>\$ 2,302,313</u>
<u>USES</u>				
Personnel, Operating, Capital Expenditures	\$ 4,140,008		(3,690,517)	\$ 449,491
Debt Service	-			-
Transfers Out	416,848	1,435,974		1,852,822
Reserves	-			-
Appropriations & Reserves Community Redevelopment Trust Fund	<u>\$ 4,556,856</u>	<u>\$ 1,435,974</u>	<u>\$ (3,690,517)</u>	<u>\$ 2,302,313</u>

# EXHIBIT A

## CRA Resolution 1-18

### SUMMARY OF FY 2018 AMENDED BUDGET CRA

FY 2018 Adopted Budget Ord.	\$ 4,556,856
Additional Sources/Uses	<u>(2,254,543)</u>
FY 2018 Amended Budget Res.	<u><u>2,302,313</u></u>

#### WHERE THE MONEY COMES FROM

##### Additional Sources

Balances Forward		\$ (2,286,589)
New Revenue		
Ad Valorem Taxes	32,046	
Intergovernmental Funds (Grants/Shared Revenue)	-	
Miscellaneous	-	
Fines & Forfeits	-	
Subtotal Revenue	<u>32,046</u>	32,046
Other Financing Sources		
Interfund Transfers (In)	-	
Debt Proceeds	-	
Subtotal Other Financing Sources	<u>-</u>	-
Total Additional Sources FY 2018 Amended Budget		<u><u>\$ (2,254,543)</u></u>

#### HOW THE SOURCES ARE DISTRIBUTED

##### Additional Uses

Expenditures		
Personnel	-	
Operating	5,415	
Capital Outlay	-	
Debt Service	-	
Transfers Out	<u>(2,259,958)</u>	
Subtotal Expenditures		\$ (2,254,543)
Other Financing Uses		
Interfund Transfers (Out)		-
Reserves		-
Total Additional Uses FY 2018 Amended Budget		<u><u>\$ (2,254,543)</u></u>

# Resolution 1-18

# FY 2018 Budget Amendment #1

Presented: March 6, 2018

- FY 2018 Budget Amendment #1
- Propose to Amend FY 2018 Operating Budget
- City will typically have 2 budget amendments annually
- Summary of CRA
  - Amendment of \$(2,254,543) represents a 49% decrease
  - True up of Balance Brought Forward
    - \$2,286,589 or 94% decrease in Operating Fund Balance due to Transfer out to a SE 47<sup>th</sup> Street Streetscape Capital Project
  - Final CRA Values were \$32,046 higher than TIF Revenue Projections for FY 2018 resulting in an increase in Ad Valorem Taxes

# SUMMARY OF FY 2018 AMENDED BUDGET CRA

<b>FY 2018 Adopted Budget Ord.</b>	<b>\$ 4,556,856</b>
<b>Additional Sources/Uses</b>	<b><u>(2,254,543)</u></b>
<b>FY 2018 Amended Budget Res.</b>	<b><u>2,302,313</u></b>

## WHERE THE MONEY COMES FROM

### Additional Sources

Balances Forward		\$ (2,286,589)
New Revenue		
Ad Valorem Taxes	32,046	
Intergovernmental Funds (Grants/Shared Revenue)	-	
Miscellaneous	-	
Fines & Forfeits	-	
Subtotal Revenue		32,046
Other Financing Sources		
Interfund Transfers (In)	-	
Debt Proceeds	-	
Subtotal Other Financing Sources		-
Total Additional Sources FY 2018 Amended Budget		<u><u>\$ (2,254,543)</u></u>

## HOW THE SOURCES ARE DISTRIBUTED

### Additional Uses

### Expenditures

Personnel	-	
Operating	5,415	
Capital Outlay	-	
Debt Service	-	
Transfers Out	(2,259,958)	
Subtotal Expenditures		\$ (2,254,543)
Other Financing Uses		
Interfund Transfers (Out)		-
Reserves		-
Total Additional Uses FY 2018 Amended Budget		<u><u>\$ (2,254,543)</u></u>

<b>Item Number: 8.B.</b>	
<b>Meeting</b>	<b>3/6/2018</b>
<b>Date:</b>	
<b>Item Type:</b>	<b>BUSINESS</b>

## AGENDA REQUEST FORM



*Community Redevelopment Agency*

### **TITLE:**

Presentation on Changes to Florida Building Codes Ordinance 10-18 - City Building Official

### **SUMMARY:**

The purpose of this agenda is for information only.

### **WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending Article XII, Building Codes and City of Cape Coral Engineering Standards, Sections 12.1 through 12.4, of the City of Cape Coral Land Use and Development Regulations; updating the Building Codes and Editions adopted by the City.

### **ADDITIONAL INFORMATION:**

No action required.

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Ordinance 10-18	Ordinance
▣ Memo Adoption of the 6th Edition Building Codes	Backup Material
▣ Revised Staff Presentation	Backup Material
▣ Memo	Backup Material

ORDINANCE 10 - 18

AN ORDINANCE AMENDING ARTICLE XII, SECTIONS 12.1 THROUGH 12.4, OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; UPDATING THE BUILDING CODES AND EDITIONS ADOPTED BY THE CITY; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Florida Building Code, 6<sup>th</sup> Edition (2017) is effective as of December 31, 2017.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Land Use and Development Regulations, Article XII, Section 12.1, is hereby amended as follows:

§ 12.1 – Adoption of codes: Florida Building Code, the National Electric Code, International Property Maintenance Code, and Engineering Design Standards.

The following building codes are hereby adopted, and incorporated herein by reference as fully as if set out at length herein, and shall govern all construction, erection, alteration, repair and demolition of all buildings or other structures within the corporate limits of the city; and any appurtenances attached thereto, except those portions of said codes that are hereinafter deleted, modified or amended:

~~2010~~ 2017 Florida Building Code, the family of codes adopted by the Florida Building Commission, except as deleted, modified or amended as indicated in § 12.2 and § 12.3 below;

National Electric Code, ~~2008~~ 2014 Edition;

...

SECTION 2. The City of Cape Coral Land Use and Development Regulations, Article XII, Section 12.2, is hereby repealed in its entirety and replaced with the following:

§ 12.2 – 2017 Florida Building Code, Building.

All sections of the 2017 Florida Building Code, Building are in effect as stated therein except as amended herein:

Section 115  
Stop Work Order

115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order. In addition, the building official is authorized to issue a stop work order for the failure to contain and/or remove construction refuse as required in the Code of Ordinances, Chapter 9, Health and Sanitation, or for any other violation of the Code of Ordinances pertaining to construction activities.

115.2 Issuance. The stop work order shall be in writing and shall be posted at the property or given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work on the construction site shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Section 1612  
Flood Loads

1612.2 Definitions.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to August 17, 1981. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 3. The City of Cape Coral Land Use and Development Regulations, Article XII, Section 12.3, is hereby amended as follows:

§ 12.3 – ~~2010~~ 2017 Florida Building Code, Existing Building.

All sections of ~~2010~~ the 2017 Florida Building Code, Existing Building are in effect as stated therein except as amended herein:

Section 202  
General Definitions

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to August 17, 1981. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 4. The City of Cape Coral Land Use and Development Regulations, Article XII, Section 12.4, is hereby amended as follows:

§ 12.4 – International Property Maintenance Code, 2012 Edition.

...

- .2 All references to the building official in the International Property Maintenance Code, 2012 Edition, shall be construed as meaning the Department of Community Development Director or the Director's designee. All references in the International Property Maintenance Code, 2012 Edition to building, plumbing, mechanical, fuel gas, electric, fire safety or other codes or standards shall be construed to mean the ~~2010~~ 2017 Florida Building Code, National Electrical Code, ~~2008~~ 2014 Edition, and the Florida Fire Prevention Code, as applicable.

SECTION 5. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


COVIELLO \_\_\_\_\_  
GUNTER \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

NELSON \_\_\_\_\_  
STOKES \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOHN E. NACLERIO III  
ASSISTANT CITY ATTORNEY  
ord\2017 Florida Building Code  
12/19/17

## **MEMORANDUM**

### **CITY OF CAPE CORAL DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: Planning and Zoning Commission

FROM: Stephen Beckman, Building Official

DATE: January 2, 2018

SUBJECT: Adoption of 6<sup>th</sup> Edition Building Codes

---

Effective December 31<sup>st</sup>, 2017, the 6<sup>th</sup> Edition of the Florida Building Code went into effect for the State of Florida. With this new edition, there are significant changes which will affect the design and function of buildings, providing a safer and more resilient product. Ordinance 10-18 will adopt the 2017 Florida Building Codes into the City LUDR and incorporate them by reference. Existing floodplain management regulations remain unchanged as to preserve our CRS status. The new 1' freeboard requirement in the 2017 Code will serve to protect and preserve our properties.

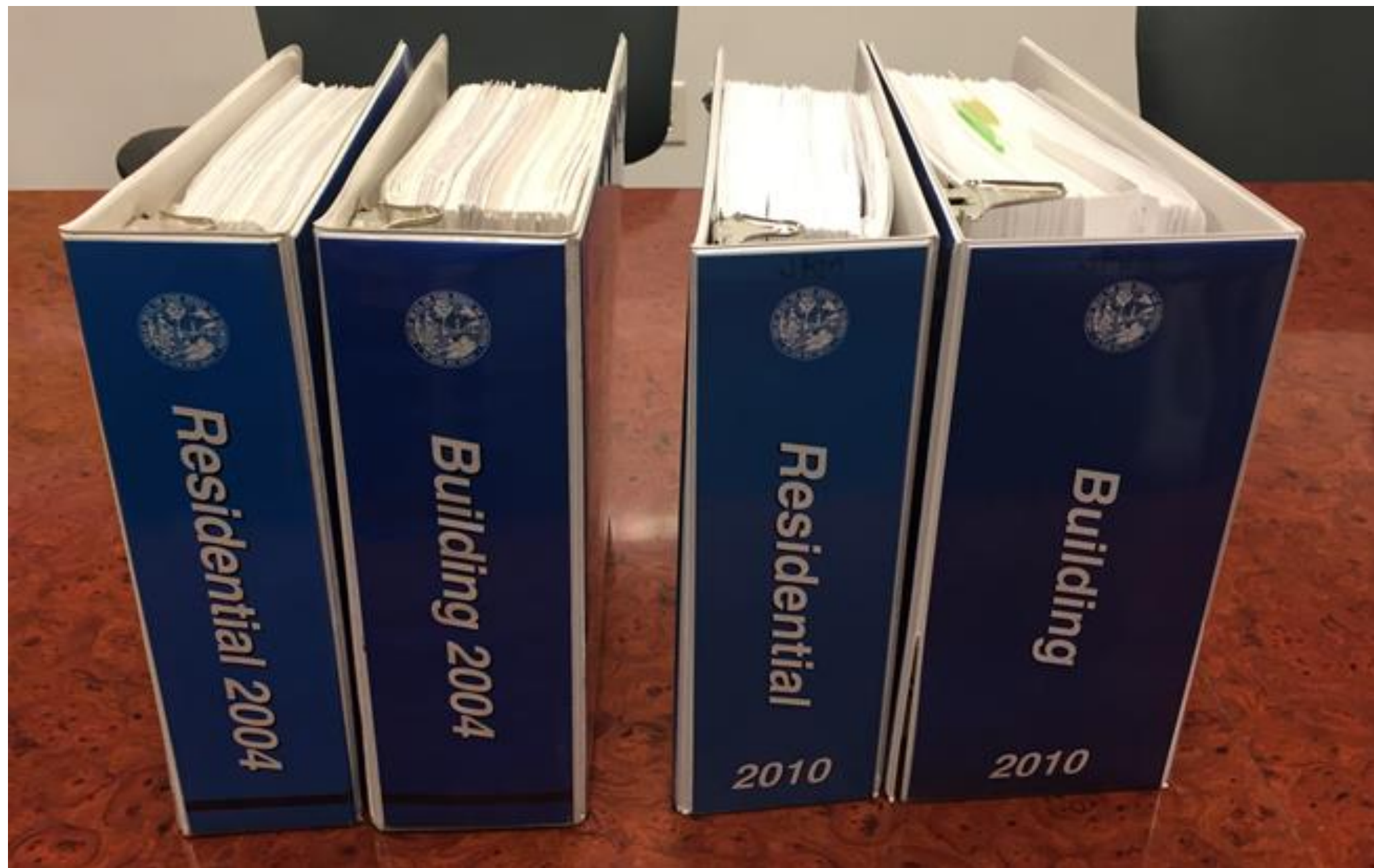
Hurricane IRMA in September of 2017 helped demonstrate how effective the building codes are for preserving property and life. Staff recommends adoption of the current 2017 Codes.



# Significant Changes

Florida Building Code  
( a few examples)







## Building

Fifth Edition (2014)



## Building

Sixth  
Edition  
(2017)

## Residential

Fifth  
Edition  
(2014)

## Residential

**Sixth  
Edition  
(2017)**



# FLOOD-RESISTANT CONSTRUCTION

- R322.2.1 Elevation requirements.
- 1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

# FLOOD-RESISTANT CONSTRUCTION (cont)

- Previous code required all buildings and structures in a flood hazard area **not designated as in Coastal A Zones**, ( such as AE zones) to have finished floor elevations at design flood elevation (DFE), or higher. In the 2017 Florida Building Code, now these structures are required to have the finished floor elevation 1 foot above (freeboard) the base flood elevation, or higher. Freeboard also is applied to AO zones (areas of shallow flooding) requiring the finished floor to be **1 foot** above the elevation of the highest adjacent grade on the FIRM **or 3 feet** if no depth number is not specified.

## Find My Flood Zone

Address, Parcel ID or Owner

Legend

### City Limits



## Flood Zone Layers

### Flooding Source

FIRM Floodway



FIRM Flood Zone

**VE**

**AE**

 A

0.2 PCT ANNUAL CHANCE FLOOD HAZARD (X)



FIRM Panel



-81.981 26.750 Degrees

2mi

## FEMA flood zone designations currently found within the City of Cape Coral

Flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Each zone reflects the severity or type of flooding in the area.

### Moderate to Low Risk Areas

Flood insurance is available to all property owners and renters in these zones:

ZONE	DESCRIPTION
* 2PACFH also known as X (shaded) on Flood Insurance Rate Map	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.  *X (shaded) is also known as the 0.2% Annual Chance Flood Hazard.
X (unshaded)	Areas determined to be outside the 0.2% annual chance floodplain.

### High Risk Areas

#### Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood

Federally backed mortgages require flood insurance for those properties having structures located in an A, AE, or VE zone.

ZONE	DESCRIPTION
A	The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.  No Base Flood Elevations determined. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.
AE	The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.  The base floodplain where base flood elevations are provided.

### High Risk - Coastal Areas

Federally backed mortgages require flood insurance for those properties having structures located in an A, AE, or VE zone.

# SECTION 705

## EXTERIOR WALLS

- **705.8.5 Vertical separation of openings.**
- Openings in exterior walls in adjacent stories shall be separated vertically to protect against fire spread on the exterior of the buildings where the openings are within 5 feet (1524 mm) of each other horizontally and the opening in the lower story is not a protected opening with a fire protection rating of not less than  $\frac{3}{4}$  hour.

# SECTION 705

## EXTERIOR WALLS

- Such openings shall be separated vertically not less than 3 feet (914 mm) by spandrel girders, exterior walls or other similar assemblies that have a fire-resistance rating of not less than 1 hour, rated for exposure to fire from both sides, or by flame barriers that extend horizontally not less than 30 inches (762 mm) beyond the exterior wall.

# Change of use or occupancy

- **[A]111.1Use and occupancy.**
- A building or structure shall not be used or occupied, and a change in the existing **use or occupancy** classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

For example, an ambulatory care facility and an office building are both Group B occupancies (Business Group). However, changing from an office to an ambulatory care facility would require additional fire and life safety safeguards to address the increased hazard due to the presence of healthcare recipients incapable of self preservation.

# Previous code requirement

- 210-12(b) Dwelling Unit Bedrooms – All branch circuits that supply 125 volt, single phase, 15 and 20 ampere receptacle outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter(s). This requirement shall become effective January 1, 2002.

# Power distribution and lighting

- **E3902.16 Arc-fault circuit-interrupter protection.**
- Branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sun-rooms, recreations rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following: [210.12(A)]

# Difference between GFCI and AFCI?



- There is a major difference between the functioning of an AFCI as compared to a GFCI (Ground Fault Circuit Interrupter). The function of the GFCI is to protect people from the deadly effects of electric shock that could occur if parts of an electrical appliance or tool become energized due to a ground fault. The function of the AFCI is to protect the branch circuit wiring from dangerous arcing faults that could initiate an electrical fire.

Unlike a standard circuit breaker detecting overloads and short circuits, an AFCI utilizes advanced electronic technology to “sense” the different arcing conditions. While there are different technologies employed to measure arcs by the various AFCI manufacturers, the end result is the same, detecting parallel arcs (line to line, line to neutral and line to ground) and/or series arcs (arcing in series with one of the conductors).

**MEMORANDUM**

CITY OF CAPE CORAL  
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Mayor and Council

FROM: John Szerlag, City Manager   
Vincent A. Cautero, Community Development Director   
Stephen Beckman, Building Official 

DATE: January 17, 2018

SUBJECT: Ordinance 10-18, Adoption of 6<sup>th</sup> Edition Building Codes

---

Effective December 31st, 2017, the 6th Edition of the Florida Building Code went into effect for the State of Florida. With this new edition, there are significant changes which will affect the design and function of buildings, providing a safer and more resilient product. Ordinance 10-18 will adopt the 2017 Florida Building Codes into the City LUDR and incorporate them by reference. Existing floodplain management regulations remain unchanged as to preserve our CRS status. The new one-foot freeboard requirement in the 2017 Code will serve to protect and preserve our properties.

Hurricane IRMA in September of 2017 helped demonstrate how effective the building codes are for preserving property and life. Staff recommends adoption of the current 2017 Codes.

VAC/SB:ed

<b>Item Number: 8.C.</b>	
<b>Meeting</b>	<b>3/6/2018</b>
<b>Date:</b>	
<b>Item Type:</b>	<b>BUSINESS</b>

## AGENDA REQUEST FORM



*Community Redevelopment Agency*

### **TITLE:**

Discussion of Proposed Extended Bar Hours in the CRA

### **SUMMARY:**

The purpose of this item is to discuss Extended Bar Hours for establishments located in the CRA District.

Attached for your information is a memo from the City Manager and Chief of Police to Mayor and City Council.

This topic is on City Council's March 5th agenda.

### **ADDITIONAL INFORMATION:**

No action requested at this time.

### **ATTACHMENTS:**



<b>Description</b>	<b>Type</b>
▣ Memo - Extended Bar Hours in the CRA	Backup Material
▣ Ordinance_21-18 South Cape Extended Hours	Backup Material
▣ Extended_Bar_Hours 3AM PowerPoint	Backup Material



# CAPE CORAL POLICE DEPARTMENT

Office of the Chief of Police

TO: Mayor Coviello and Council Members

FROM: John Szerlag, City Manager   
David Newlan, Chief of Police 

DATE: February 28, 2018

SUBJECT: Extended Bar Hours Proposal for the CRA District

## Executive Summary

Ordinance 21-18 is being proposed to extend bar hours in the CRA District from 2:00 a.m. to 3:00 a.m. on Saturday and Sunday mornings. The purpose of this memorandum is to provide you with a background (timeline), costs, and proposed Ordinance modifications. Succinctly, the cost is \$158,440 in overtime (see attached Overtime Cost Sheet, Tier 1) which can be paid by a combination of City and CRA funds should City Council and CRA Board agree. We are also proposing the Ordinance be a pilot program as opposed to permanent.

## History

### Extended Bar Pilot Program Timeline:

12/10/2014 - Committee of the Whole topic – Extend Bar Hours for South Cape  
03/09/2015 - Introduction Ordinance 12-15 Extend Bar Hours  
03/23/2015 - Public Hearing Ordinance 12-15 Extend Bar Hours continued to 3/30/2015  
03/30/2015 - Public Hearing Ordinance 12-15 Extend Bar Hours, Approved 5-3. *The pilot program was from April 11, 2015 to January 31, 2016.*

### Extend the Pilot Program Timeline:

03/02/2016 - Committee of the Whole – Extended Bar Hours Evaluation Report  
03/14/2016 - Introduction Ordinance 15-16 Extended Bar Hours continuance  
03/28/2016 - Public Hearing Ordinance 15-16 Extended Bar Hours continuance, Denied 3-5  
04/04/2016 - Regular Meeting Motion to Reconsider, Denied 4-4. *At the same meeting, Councilmember Leon requested a second to bring forward a permanent*

*ordinance for the Extended Bar Hours. Councilmember Carioscia granted the second. Councilmember Erbrick requested a Committee of the Whole meeting to discuss all parameters of this topic.*

06/10/2016 - Committee of the Whole meeting – Topic: Extended Hours. Council discussed and agreed to research further and bring to another COW meeting.

01/23/2017 - Regular Meeting, no further action by vote to use outside council.

## **Proposal and Costs**

The Police Department's original proposal was based off the Extended Bar Pilot Program and current Ordinance in place when the hours were extended until 4:00 a.m. The proposal was to utilize a Community Policing Strategy by hiring four officers and one supervisor to be assigned to the bars from 11:00 p.m. to 5:00 a.m., and provide additional administrative and community policing duties for the bar district. That proposal would commit those officers to the extended bar hour program 55% of their time. The other 45% would be committed to conducting traffic enforcement.

The concept of extending the bar hours to 3:00 a.m. is uncharted territory. Therefore, we propose that if this Ordinance is approved, it should be a "pilot program" as before, so we can properly evaluate the needs to maintain the safety and welfare of the public, and help maintain stability for the establishments. We propose that the "pilot program" run from April 2018 to April 2019. This will give us time to properly evaluate it during and after the 47<sup>th</sup> Terrace Streetscape is completed.

The estimated cost for the "pilot program" is \$158,440 for four officers and one supervisor on an overtime basis. Due to our current staffing needs, it would be difficult to fill as an off-duty detail. However, based on its progress, we will continue to evaluate the need for officer presence during the evaluation period. Because we have been advised that 47<sup>th</sup> Terrace construction activity is causing a loss of business revenue to the bar establishments, additional policing costs could be absorbed by the City and CRA.

If the premise of the proposed extended bar hours is not based on the 47<sup>th</sup> Terrace road construction, and the intent is to establish a permanent program, we would propose the participating establishments pay all required costs in lieu of the City and the CRA.

With the 47<sup>th</sup> Terrace Streetscape construction, it will be important to maintain a police presence due to construction and road detours. Construction will alter normal directions of traffic and, at times, with only one lane of travel available, and egress/ ingress routes could be limited. Based on the number of potential patrons that could be in the area during the Extended Bar Hours Pilot Program, it could create additional problems which may increase the probability of getting someone hurt and potentially delaying the construction project. As an example, if a major incident occurred creating a crime scene,

it could lock down that area for an unspecific amount of time that may delay the completion date of this project.

JS/DN

Attachment – Overtime Cost Sheet

C: CRA Board

Dolores Menendez, City Attorney

Victoria Bateman, Finance Director

Paul Clinghan, Public Works Director

Connie Barron, Public Affairs Manager

## Overtime Cost Sheet

0300 Bar Hours April - April, Overtime Assignment, with 5 additional days for Holiday openings		Overtime - Tier Costs (minimum) Extended Bar Hours (2300 to 0400 OT)	
Table 1 & Table 2 combined for total budgetary impact to City, (minimum estimate) for 52 week period. April - April.		OT Salary	
Tier 1	\$		158,439.77
Tier 2	\$		215,377.64
Tier 3	\$		316,879.53
Tier 4	\$		373,817.40
* Payroll cost to City			

Table 1: April to October (current budget impact)

Overtime - Police Officer Extended Bar Hours (2300 to 0400 OT)			Overtime - Police Sergeant Extended Bar Hours (2300 to 0400 OT)			Overtime - Tier Costs (minimum) Extended Bar Hours (2300 to 0400 OT)			
1 Police Officer			1 Police Sergeant			OT Salary			
\$	44.83	OT Budgetary Impact Hourly Rate	\$	70.43	OT Budgetary Impact Hourly Rate	Tier 1	\$	78,296.63	
5.5 Hours per night *.5 hr for BWC			5.5 Hours per night * .5 hr for BWC			Tier 2	\$	106,405.04	
2 Nights per week			2 Nights per week			Tier 3	\$	156,593.25	
26 Total Weeks			26 Total Weeks			Tier 4	\$	184,701.66	
5 Holidays			5 Holidays						
286 Total Normal Hours			286 Total Hours per year						
27.5 Holiday Hours			27.5 Holiday Hours						
313.5 Total Hours			313.5 Total Hours						
* Payroll cost to City									
\$	14,054.21	1 Police Officer per year (minimum)	T1/2	\$	22,079.81	1 Police Sergeant per year (minimum)			
T1	\$	56,216.82	4	Police Officers		T3/4	\$	44,159.61	2 Sergeants
T2	\$	84,325.23	6	Police Officers					
T3	\$	112,433.64	8	Police Officers					
T4	\$	140,542.05	10	Police Officers					

Table 2: October to April (projected budget impact)

Overtime - Police Officer Extended Bar Hours (2300 to 0400 OT)		Overtime - Police Sergeant Extended Bar Hours (2300 to 0400 OT)		Overtime - Tier Costs (minimum) Extended Bar Hours (2300 to 0400 OT)	
1 Police Officer		1 Police Sergeant		OT Salary	
\$	45.98 OT Budgetary Impact Hourly Rate	\$	71.72 OT Budgetary Impact Hourly Rate	Tier 1	\$ 80,143.14
5.5 Hours per night *.5 hr for BWC		5.5 Hours per night * .5 hr for BWC		Tier 2	\$ 108,972.60
2 Nights per week		2 Nights per week		Tier 3	\$ 160,286.28
26 Total Weeks		26 Total Weeks		Tier 4	\$ 189,115.74
5 Holidays		5 Holidays			
286 Total Normal Hours		286 Total Hours per year			
27.5 Holiday Hours		27.5 Holiday Hours			
313.5 Total Hours		313.5 Total Hours			
				* Payroll cost to City	
\$	14,414.73 1 Police Officer per year (minimum)	T1/2 \$	22,484.22 1 Police Sergeant per year (minimum)		
T1 \$	57,658.92 4 Police Officers	T3/4 \$	44,968.44 2 Sergeants		
T2 \$	86,488.38 6 Police Officers				
T3 \$	115,317.84 8 Police Officers				
T4 \$	144,147.30 10 Police Officers				

ORDINANCE 21 - 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES CHAPTER 3, ALCOHOLIC BEVERAGES, SECTION 3-2, HOURS OF OPERATION, TO EXTEND HOURS OF OPERATION FOR REGULATED ESTABLISHMENTS FOR CONSUMPTION ON PREMISES ONLY IN THE SOUTH CAPE ZONING DISTRICT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Cape Coral City Council is interested in enhancing the South Cape Downtown District (SC) zoning district's reputation as a hospitality and entertainment destination in southwest Florida; and

WHEREAS, the City Council is interested in identifying new economic stimuli in the SC zoning district that would enhance economic opportunities for business establishments located in that zoning district; and

WHEREAS, numerous establishments in the SC zoning district are licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, to serve alcoholic beverages on-premises; and

WHEREAS, certain establishments located in the SC zoning district and licensed to serve alcoholic beverages for consumption on the premises have requested that they be allowed to serve alcoholic beverages only for consumption on the premises until 3 a.m. on Saturday and Sunday mornings and on certain other holiday-related days instead of ceasing those sales at 2:00 a.m. on those days; and

WHEREAS, the City Council desires to allow Regulated Establishments within the SC zoning district to expand the hours of service of alcohol from 2 a.m. to 3 a.m. on Saturday and Sunday mornings and on certain other holiday-related days.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 3, Alcoholic Beverages, is hereby amended as follows:

**§ 3-1 Definitions.**

For the purposes of this chapter, the words and phrases used in this chapter shall have the meanings ascribed to them by the state Alcoholic Beverage Code, F.S. Chapters 561 - 567. In addition to the definitions contained in the state Alcoholic Beverage Code, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

...

**CONSUMPTION OFF THE PREMISES.** Consumption of beer, wine or alcoholic beverages of any kind at a place different from the place where purchased.

**CONSUMPTION ON THE PREMISES.** Consumption of beer, wine or alcoholic beverages of any kind upon premises where purchased.

...

**REGULATED ESTABLISHMENTS.** All places or establishments, within the city, offering for sale beer, ale, wine or alcoholic liquors or beverages of any kind or places or establishments permitting patrons or customers to consume or serve others beer, ale, wine or alcoholic liquors or beverages of any kind. **REGULATED ESTABLISHMENTS** shall not include private residences or rooms or apartments in motels, hotels or other rentals of similar nature.

...

### § 3-2 Hours of operation.

- (a) Generally. *REGULATED ESTABLISHMENTS* may sell, serve, or permit consumption of alcoholic beverages on any day between the hours of 7:00 a.m. and 2:00 a.m. of the following morning. No *REGULATED ESTABLISHMENT* may sell, serve, or permit consumption of alcoholic beverages for *CONSUMPTION OFF THE PREMISES* between 2:00 a.m. and 7:00 a.m. of any day in any zoning district. ~~Until April 3, 2016, for CONSUMPTION ON THE PREMISES only, Provided they comply with the provisions of Section 3-2(b) of this chapter and hold valid extended hours permits issued by the City, REGULATED ESTABLISHMENTS in the SC zoning district may, for CONSUMPTION ON THE PREMISES only, sell, serve, or permit consumption of alcoholic beverages until 4:00~~ 3:00 a.m. on Saturday and Sunday mornings, provided they comply with the provisions of Section 3-2(b) of this chapter and hold valid extended hour permits issued by the City, as well as until 3:00 a.m. on the following holiday-related days:

- (1) Labor Day;
- (2) Memorial Day;
- (3) November 1<sup>st</sup> (the day after Halloween);
- (4) Thanksgiving Day; and
- (5) New Year's Day.

- (b) Extended hours requirements

In order for establishments in the SC zoning district to sell, serve, or permit consumption of alcoholic beverages only for *CONSUMPTION ON THE PREMISES* until ~~4:00~~3:00 a.m. on Saturday and Sunday mornings, as well as on the holiday-related days identified in Section 3-2(a) above, the establishments must comply with the following requirements:

- (1) During all hours of operation, the *REGULATED ESTABLISHMENT* shall have in use a security camera system capable of recording and retrieving video images to assist in offender identification and apprehension. The cameras shall capture all ingress and egress points of and the whole interior premises of the *REGULATED ESTABLISHMENT* as well as the entire exterior premises of the property on which the *REGULATED ESTABLISHMENT* is located and all exterior walkways and alleyways that are immediately adjacent to the *REGULATED ESTABLISHMENT*. Cameras must be activated and recording video during all hours of operation. The *REGULATED ESTABLISHMENT* must ensure that the security camera system is in good working condition during all hours of operation and that the video images are capable of retrieval for a period of not less than fourteen (14) days after the images are recorded. The security camera system must be of a type and quality, as well as maintained in a working condition, such that the video images, when retrieved, provide a reasonably clear and detailed depiction of the areas and activities captured by the system. Security systems that capture cloudy, fuzzy, or blurred video images are not sufficient to constitute the security camera system required by this sub-section. The owners, operators, representatives, agents, and employees of the *REGULATED ESTABLISHMENT* shall allow access to the recordings by authorized city code enforcement and law enforcement officers without court subpoena and without prior notice during all hours that the *REGULATED ESTABLISHMENT* is open for business.
- (2) During all hours of operation, the *REGULATED ESTABLISHMENT* shall comply with Florida's Responsible Vendor Act as set forth in Sections 561.701 through 561.706, Florida Statutes, as same may be amended, and must submit proof that each of its employees has completed the required course of instruction that includes subjects listed in the statute dealing with alcoholic beverages. The *REGULATED ESTABLISHMENT* must continue to be a member in the responsible vendor program as a condition of maintaining an extended hours permit.
- (3) ~~— In order to sell, serve, or permit the consumption of alcohol that is only for CONSUMPTION ON THE PREMISES past 2:00 a.m. on Saturday or Sunday mornings, respectively, the REGULATED ESTABLISHMENT shall, at its expense, provide one (1) off-duty Cape Coral police officer continually from 12:00 a.m. on Saturday (for extended hours on Saturday) and from 12:00 a.m. on Sunday (for extended hours on Sunday) until one (1) hour after closing time on Saturday or Sunday~~

morning, respectively, but with a minimum of four (4) hours. The purpose of the off-duty Cape Coral Police Officer is to provide security, maintain order, deter and detect criminal activity, and protect the public health, welfare and safety. To this end, and in recognition of the fact that the City's extended hours program is an experimental pilot program that should not negatively affect the public health, safety and welfare, the off-duty police officer shall monitor not only the interior and exterior of the premises of the ~~REGULATED ESTABLISHMENT~~, but also shall engage in community policing activities throughout the SC zoning district as directed by the Police Chief or the Police Chief's designee. The off-duty Cape Coral police officer required by this sub-section shall be in addition to, and not in lieu of, any other security personnel provided by the establishment.

- (4)(3) In order to sell, serve, or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* past 2:00 a.m. on Saturday or Sunday mornings, respectively, or past 2:00 a.m. on the other days identified in Section 3-2(a) above, the ~~REGULATED ESTABLISHMENT~~ shall, at its expense, provide interior security personnel continually from 8:00 11:00 p.m. on Friday (for extended hours on Saturday) and from 8:00 11:00 p.m. on Saturday (for extended hours on Sunday) until closing time on Saturday or Sunday morning, respectively, as well as from 11:00 p.m. on October 31<sup>st</sup> (for extended hours on November 1<sup>st</sup>), December 31<sup>st</sup> (for extended hours on New Year's Day), and the days immediately preceding Labor Day, Memorial Day, and Thanksgiving Day (for extended hours on any of those days) until closing time on November 1<sup>st</sup> and January 1<sup>st</sup> (New Year's Day), Labor Day, Memorial Day, or Thanksgiving Day, respectively, at a ratio of one (1) security officer for every 150, or fraction thereof, allowed occupancy of the establishment, but in no event less than one (1). ~~The interior security personnel shall be in addition to, and not in lieu of, the mandatory one (1) off-duty Cape Coral police officer.~~ Bartenders, barbacks, and other employees of the establishment with duties unrelated to security shall not be counted as security officers. The purpose of the interior security personnel is to provide security, maintain order, deter and detect criminal activity, and protect the public health, welfare and safety, primarily in the interior of the premises of the *REGULATED ESTABLISHMENT* and at its entrance and exit points.
- (5)(4) The establishment shall provide adequate buffering of noise impacts from open-air areas, if any, and assure compliance with approved site plan conditions, if any, regarding ingress and egress of vehicle and pedestrian traffic. The establishment shall have no negative effect on neighboring properties with respect to excessive noise. All efforts shall be made to prevent nuisances both inside and outside the establishment.
- (6)(5) The establishment shall conduct a "last call" for service of alcoholic beverages, requiring the establishment to cease the sale and service of alcoholic beverages 15 minutes prior to closing on Saturday and Sunday mornings as well as on the mornings of any of the holiday-related days identified in Section 3-2(a) above.
- (7)(6) The owner, agent, or authorized representative of a *REGULATED ESTABLISHMENT* must meet with the Police Chief, or the Police Chief's designee, at least once a month concerning issues related to the extended hours of operation and how those issues may be mitigated.
- (8)(7) The *REGULATED ESTABLISHMENT* must meet all of the requirements of local, state, and federal law and obtain and maintain all associated licenses in order to serve, sell or permit the consumption of alcohol on the premises. Furthermore, the establishment must have both a valid business tax receipt and a valid extended hours permit issued by the City of Cape Coral.

(c) Extended hours permits

- (1) *Extended hours permit a privilege subject to revocation.* The ability to sell, serve, or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* beyond the hour of 2:00 a.m. on ~~Saturday and Sunday mornings~~ any day permitted as identified in this section within the SC zoning district is hereby declared to be and is a privilege subject to suspension, revocation, and the imposition of criteria and conditions, and no person or entity may reasonably rely upon the continuation of that privilege. Any person or entity wishing to remain open beyond 2:00 a.m. to sell, serve,

or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* shall be required to make an application and receive approval for an extended hours permit.

- (2) *Application and review procedures.* An application for an extended hours permit shall be submitted, on a form furnished by the city, to the Director of Community Development, or the Director's designee, ~~along with a nonrefundable application fee of \$50.00. The application fee is in addition to the permit fee for the extended hours permit.~~ In the application, the applicant shall provide information to show compliance with the requirements of Section 3-2(b). The Director of Community Development, or the Director's designee, may require the applicant to supplement the information initially provided, if such additional information is deemed necessary to determine whether the requirements of Section 3-2(b) are met. City Council shall have the authority to adopt by resolution fees, if any, for a permit application.
- (3) *Extended hours permit.* Any establishment located in the SC zoning district holding a license duly granted by the State of Florida to sell, serve, or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* may apply for an extended hours permit. Such application shall be processed using the procedures and criteria listed in this chapter. ~~The permit fee for the issuance of the extended hours permit shall be \$100.00, and shall be paid prior to issuance of the permit. For establishments located within the SC zoning district, an extended hours permit shall allow and extend the hours in which the licensee may remain open for sale, service of, and CONSUMPTION ON THE PREMISES only of alcoholic beverages until 4:00 3:00 a.m. on Saturday and Sunday mornings any day permitted as identified in this section.~~ An extended hours permit shall expire one year from the date of issuance ~~or April 3, 2016, whichever occurs first.~~ City Council shall have the authority to adopt by resolution fees, if any, for an extended hours permit.
- (4) *Approval.* The Director of Community Development, or the Director's designee, may approve an application for an extended hours permit upon a determination that the subject application complies with the criteria identified in Section 3-2(b) above.
- (5) *Denial.* An application which fails to comply with the criteria identified in Section 3-2(b) shall be denied. If the Director of Community Development, or the Director's designee, denies the application, the applicant shall have thirty (30) days from the date of the notice of denial to appeal the decision to the City Council pursuant to the appeal procedure contained in section 3-2(c)(8).
- (6) *Renewal of extended hours permit.* Each extended hours permit shall be required to be renewed no later than one (1) year following the date of initial granting of the permit. An application for renewal of an extended hours permit shall be submitted, on a form furnished by the city, to the Director of Community Development, or the Director's designee. ~~The renewal of any extended hours permit shall be subject to a permit renewal fee. The fee for renewing an extended hours permit shall be \$75.00, and shall be paid prior to renewal of an extended hours permit. Terms for approval or denial of the application shall be as stated above in subsections (4) and (5).~~ City Council shall have the authority to adopt by resolution fees, if any, for the renewal of an extended hours permit.
- (7) *Revocation or suspension.*
  - A. If the Director of Community Development, ~~or the Director's designee,~~ the Chief of Police, or the designee of the Police Chief, believes that any extended hours permit holder has failed to comply with the criteria of its permit, or is operating in a manner harmful to the public health, safety or welfare, the Director of Community Development, ~~or the Director's designee,~~ the Chief of Police, or the designee of the Police Chief, shall prepare a report which provides facts, reasons, and an analysis for believing violations exist. The Director ~~or Police Chief~~ shall submit the report to City Council and a public hearing shall be held to determine whether the extended hours permit should be revoked based upon the failure to meet the criteria established in Section 3-2(b) above. The report shall be provided to the permit holder at least ten (10) days prior to the public hearing. A notice containing the date of the public

hearing shall be personally served upon the permit holder or posted in a conspicuous place at the establishment of the permit holder at least ten (10) days prior to the public hearing. The City Council may reschedule or continue the date of the public hearing for good cause shown upon the request of either the permit holder, ~~or the Director of Community Development, or the Police Chief.~~ At the public hearing, the permit holder shall be afforded a reasonable opportunity to speak and present evidence on his/her behalf. Evidence that the *REGULATED ESTABLISHMENT* has been operating in a manner detrimental to the public health, safety, and welfare includes, but is not limited to, the following:

1. The occurrence of ~~six (6)~~ three (3) felony convictions, regardless of whether adjudication has been withheld, that are the result of criminal activity on the premises of the *REGULATED ESTABLISHMENT*. The convictions must be the result of incidents of criminal activity that occurred during the period from ~~the earlier of the time the REGULATED ESTABLISHMENT opened for business on the day before through the close of business on the morning of the extended hours Friday or Saturday (if the establishment is not open on Friday) through the close of business on Sunday or 12:00 a.m. on Monday morning, whichever occurs first,~~ and within a consecutive twelve (12) month period, regardless of when the convictions actually occurred. The convictions must be of individuals who were employees or patrons of the *REGULATED ESTABLISHMENT* at the time the criminal activity occurred and the conviction of multiple individuals for the same incident of criminal activity shall be deemed one conviction and not separate convictions; or
2. The occurrence of ~~six (6)~~ three (3) criminal convictions, regardless of whether adjudication has been withheld, involving possession or sale of a controlled substance on the premises of the *REGULATED ESTABLISHMENT*. The convictions must be the result of incidents of criminal activity that occurred during the period from ~~the earlier of the time the REGULATED ESTABLISHMENT opened for business on the day before through the close of business on the morning of the extended hours Friday or Saturday (if the establishment is not open on Friday) through the close of business on Sunday or 12:00 a.m. on Monday morning, whichever occurs first,~~ within a consecutive twelve (12) month period, regardless of when the convictions actually occurred. The convictions must be of individuals who were employees or patrons of the *REGULATED ESTABLISHMENT* at the time the criminal activity occurred and the conviction of multiple individuals for the same incident of criminal activity shall be deemed one conviction and not separate convictions; or
3. Three (3) convictions, regardless of whether adjudication has been withheld, of any owner, operator, agent or employee of the *REGULATED ESTABLISHMENT* for criminal activity related to the sale or possession of alcoholic beverages at the *REGULATED ESTABLISHMENT*, such as sales of alcoholic beverages outside of the permitted hours of sale, sale to an underage person, etc.; or
4. Repeated instances or a demonstrated pattern by a REGULATED ESTABLISHMENT of allowing, condoning, participating in, or failing to correct conduct or activity that created a nuisance or resulted in a negative impact on the health, safety and welfare of the public generally, or of the patrons of the REGULATED ESTABLISHMENT. Examples of such conduct or activity would include, but not be limited to, whether the REGULATED ESTABLISHMENT has taken all reasonable precautions to discourage unlawful activity including vandalism, persons and property crimes, disturbances, littering by patrons, unlawful drug use, noise, vehicular use by intoxicated patrons, and illegal activity of any kind by

employees, patrons or others associated with the REGULATED ESTABLISHMENT and whether the REGULATED ESTABLISHMENT has taken all reasonable efforts to prevent nuisances both inside and outside the establishment, particularly with respect to whether the REGULATED ESTABLISHMENT has complied with any recommendations by the Police Chief or the Chief's designee concerning possible corrective action or mitigation efforts.

4. 5. Failure or refusal, without good cause shown, to meet with the Police Chief or the Chief's designee as required in subsection 3-2(b)(G) of this Chapter.
- B. *Emergency public hearing on suspension or imposition of conditions.* If the Police Chief, or Police Chief's designee, believes that an immediate serious danger to the public health, safety or welfare requires emergency suspension of the extended hours permit, or that a permit holder no longer has a valid alcohol license, the Police Chief, or Police Chief's designee, may summarily order said suspension. The Police Chief, or the Police Chief's designee, shall take only that action necessary to protect the public interest. The Police Chief, or Police Chief's designee, shall provide the permit holder with the specific facts and reasons for finding an immediate danger to the public health, safety or welfare exists and the reasons for concluding that the action taken is necessary to protect the public interest. The notice of immediate action shall be personally served upon the permit holder or posted in a conspicuous place at the establishment of the permit holder. The notice shall also advise the permit holder that he/she may request a public hearing before the City Council challenging the need for summary action, (an "emergency public hearing") by making a written request to the City Manager within thirty (30) days of being served with the notice. If the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday. Failure to timely request an emergency public hearing shall result in the automatic revocation of the license without further action by the City. If the permit holder requests an emergency public hearing, the public hearing shall be conducted by the city council within twenty-one (21) calendar days of the City's receipt of the request, unless extended by agreement of the permit holder. At the emergency public hearing, the permit holder shall be afforded a reasonable opportunity to speak and present evidence on his/her behalf.
- C. The public hearings pursuant to 3-2(c)(7)A, and 3-2(c)(7)B. above shall be quasi-judicial hearings. After consideration of the matter, and after allowing City staff and the permit holder to address the City Council, and allowing all others wishing to speak to do so, the City Council may make any of the following determinations:
1. If a suspension has been imposed pursuant to subsection 3-2(c)(7)B above, suspension of the permit may be lifted and the permit upheld with no further action required by the permit holder, or suspension of the permit may be continued pending correction of the violation.
  2. Allow the permit holder to continue operating during extended hours, subject to any reasonable additional conditions deemed necessary to mitigate or eliminate the adverse effects of such extended hours. Conditions may include, but are not limited to, provision by the permit holder, at its expense, of additional security personnel, sound-proofing or noise reduction, and outside lighting.
  3. The permit may be suspended for any time period less than one year.
  4. The permit may be revoked and subject to renewal pursuant to the terms of Section 3-2(c)(6) of this Chapter.
- D. Should the extended hours permit be revoked, no reapplication shall be considered for that location within a twelve-month period following the date

of revocation. No revoked extended hours permit shall be reinstated until all applicable conditions of the permit are met.

- E. *Emergency Suspension of Extended Hours Operations.* In the event that the Police Chief, or the Police Chief's designee, finds that conditions exist in the SC zoning district anytime during the period from Friday evening at 7:00 p.m. through ~~12:00~~ 3:00 a.m. on Monday morning that are so deleterious to the public health, safety, and welfare as to constitute an emergency condition that would be aggravated if *REGULATED ESTABLISHMENTS* were to sell, serve, or permit the consumption of alcohol for *CONSUMPTION ON THE PREMISES* after 2:00 a.m. on Saturday or Sunday of that weekend, as well as on the mornings of any of the holiday-related days identified in Section 3-2(a) above then the Police Chief, or the Police Chief's designee, may order the immediate emergency suspension of all extended hours permits without notice and without any right to a hearing. The emergency conditions required by this sub-section shall not necessarily be the result of the operation or activities of any single *REGULATED ESTABLISHMENT* or even directly related to the sale or consumption of alcoholic beverages. *REGULATED ESTABLISHMENTS* with valid extended hours permits shall be allowed to resume business operations, as allowed by their extended hours permits, the following weekend, unless they are provided with notice of suspension or revocation as otherwise identified in this chapter.

(8) *Appeal procedure.*

- A. An applicant for an extended hours permit may appeal to the City Council, consistent with these provisions, any decision rendered by the Director of Community Development, or the Director's designee, to deny an extended hours permit, or the renewal of an extended hours permit. Within ten (10) days of the decision, the applicant may request an appeal in writing to the City Manager who shall schedule a public hearing by the City Council as soon as practicable. Notice shall be given and a public hearing shall be held as prescribed by subsection (7)A of this section. The City Council shall consider the appeal and make a decision based on the criteria set forth in subsection (b).
- B. Appeal of any City Council decision regarding an extended hours permit or an application for an extended hours permit shall be to the circuit court in and for Lee County, in the manner provided by state law. In accordance with state law, failure to appeal within thirty (30) days of the rendition of the decision shall result in the applicant waiving his right to appeal.

(9) *Transferability.* An extended hours permit shall not be transferable to a different location or to different business owners. However, if an establishment is sold and the operation of the business remains identical to that described on the approved extended hours permit, then the new owners will be required to apply for a new extended hours permit, within thirty (30) days of the purchase, but the city shall limit its review to:

- A. The amount and degree of law enforcement activities generated by the operation of the establishment. Any calls for service between the date of application and the date of approval may be grounds for denial; and
- B. A review of any other *REGULATED ESTABLISHMENTS* offering *CONSUMPTION ON THE PREMISES* that are owned or operated by the owners or managers, or any other party with a proprietary interest in the new owner's establishment to determine the amount and degree of law enforcement activities at such establishments; and
- C. Verification that the establishment remains in compliance with the requirements of Section 3-2(b).

(10) *Voluntary Relinquishment.* Except as otherwise provided herein, the holder of a valid extended hours permit in good standing may voluntarily relinquish the permit by notifying the city in writing of the permit holder's intention to relinquish the permit and the date upon which the relinquishment will take effect. Once relinquished, the

extended hours permit is of no further force and effect and the *REGULATED ESTABLISHMENT* shall be deemed to have forfeited the privilege of selling, serving, or permitting consumption of alcoholic beverages only for *CONSUMPTION ON THE PREMISES* until 4:00 3:00 a.m. on Saturday or Sunday mornings as well as on the mornings of any of the holiday-related days identified in Section 3-2(a) above. If the permit holder or *REGULATED ESTABLISHMENT* desires to resume selling, serving, or permitting the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* past 2:00 a.m. on ~~Saturday and Sunday mornings, respectively,~~ any day permitted as identified in this section, then the permit holder or *REGULATED ESTABLISHMENT* must submit a new application for an extended hours permit in accordance with the requirements of this chapter. If suspension or revocation proceedings are pending concerning an extended hours permit, or if a permit is in revoked or suspended status, or if a permit holder has been notified that any suspension or revocation proceedings are being initiated by the city pursuant to the provisions of this chapter, then the permit holder shall not be able to voluntarily relinquish the extended hours permit until the suspension or revocations issues have been resolved and the extended hours permit is once again in good standing.

...

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective April 1, 2018.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ  
CITY ATTORNEY

ord/Alcohol Extended Hours in SC  
DRAFT 1/25/18  
2/2/18  
2/13/18  
2/20/18  
2/21/18  
2/23/18  
2/26/18

# EXECUTIVE SUMMARY

- Public Safety Interests
  - Safety and welfare of the public (road construction)
  - Increase calls for service/crime
- Economic Interests
  - Economic sustainability of businesses during construction period

# EXECUTIVE SUMMARY

- Community values
  - Should bars remain open after 2 AM?
  - Temporary basis vs. Permanent basis
- City Staff recommendation
  - 3 AM April 2018-April 2019; temporary basis
  - City will cover cost during trial period

EXTENDED BAR HOURS

# PRESENTATION TO COUNCIL

# OVERVIEW

- Brief history of Extended Bar Hours.
- Statistical analysis of the data.
- An overview of what other municipalities in Florida are doing.
- Present our recommendations.
- Answer any additional questions.



EXTENDED BAR HOURS

# HISTORY



# HISTORY OF THE EXTENDED BAR HOURS PILOT PROGRAM

- Pilot Program
  - 12/10/2014 – Committee of the Whole topic – Extend Bar Hours for South Cape.
  - 3/9/2015 – Introduction Ordinance 12-15 Extend Bar Hours.
  - 3/23/2015 – Public Hearing Ordinance 12-15 Extend Bar Hours continued to 3/30/2015.
  - 3/30/2015 – Public Hearing Ordinance 12-15 Extend Bar Hours (Approved 5-3).
  - **Pilot Program runs April 11, 2015 - January 31, 2016.**



# HISTORY OF THE EXTENDED BAR HOURS PILOT PROGRAM


- Extend the Pilot Program
  - 3/2/2016 - Committee of the Whole  
– Extended Bar Hours Evaluation  
Report.
  - 3/14/2016 – Introduction Ordinance  
15-16 Extended Bar Hours  
continuance.
  - 3/28/2016 – Public Hearing  
Ordinance 15-16 Extended Bar Hours  
continuance (Denied 3-5).



# HISTORY OF THE EXTENDED BAR HOURS PILOT PROGRAM

- 4/4/2016 – Regular Meeting Motion To Reconsider – denied 4-4.
- At the same meeting, former Council member Leon requested a second to bring forward a permanent ordinance for the Extended Bar Hours. Council member Carioscia granted the second.
- Council member Erbrick requested a Committee of the Whole meeting to discuss all of the parameters of this topic.
- 6/10/2016 – Committee of the Whole meeting – Topic: Extended Hours.
- 1/23/2017 – Regular meeting; No further action by vote to use outside counsel.





EXTENDED BAR HOURS

# WHAT THE DATA SHOWS

EXTENDED BAR HOURS

# METHODOLOGY

# METHODOLOGY

- Dataset
  - CAD data from 2012 to 2017.
  - Filtered calls for specific call types.

at	Status	Call #	Nature	
	Arrived	209	SHOTS HEARD	264
	En-Route	225	SUSPICIOUS PERS	280
	En-Route	225	SUSPICIOUS PERS	280
	Arrived	209	SHOTS HEARD	264
5	Arrived	209	SHOTS HEARD	264
	Arrived	209	SHOTS HEARD	201
1	Available			
2	Arrived	230	TRAFFIC STOP	139
3	Arrived	230	TRAFFIC STOP	139
4	Available			
	Arrived	198	THEFT	190
	Available			
	Available			
11	En-Route	227	SHOTS HEARD	261
12				

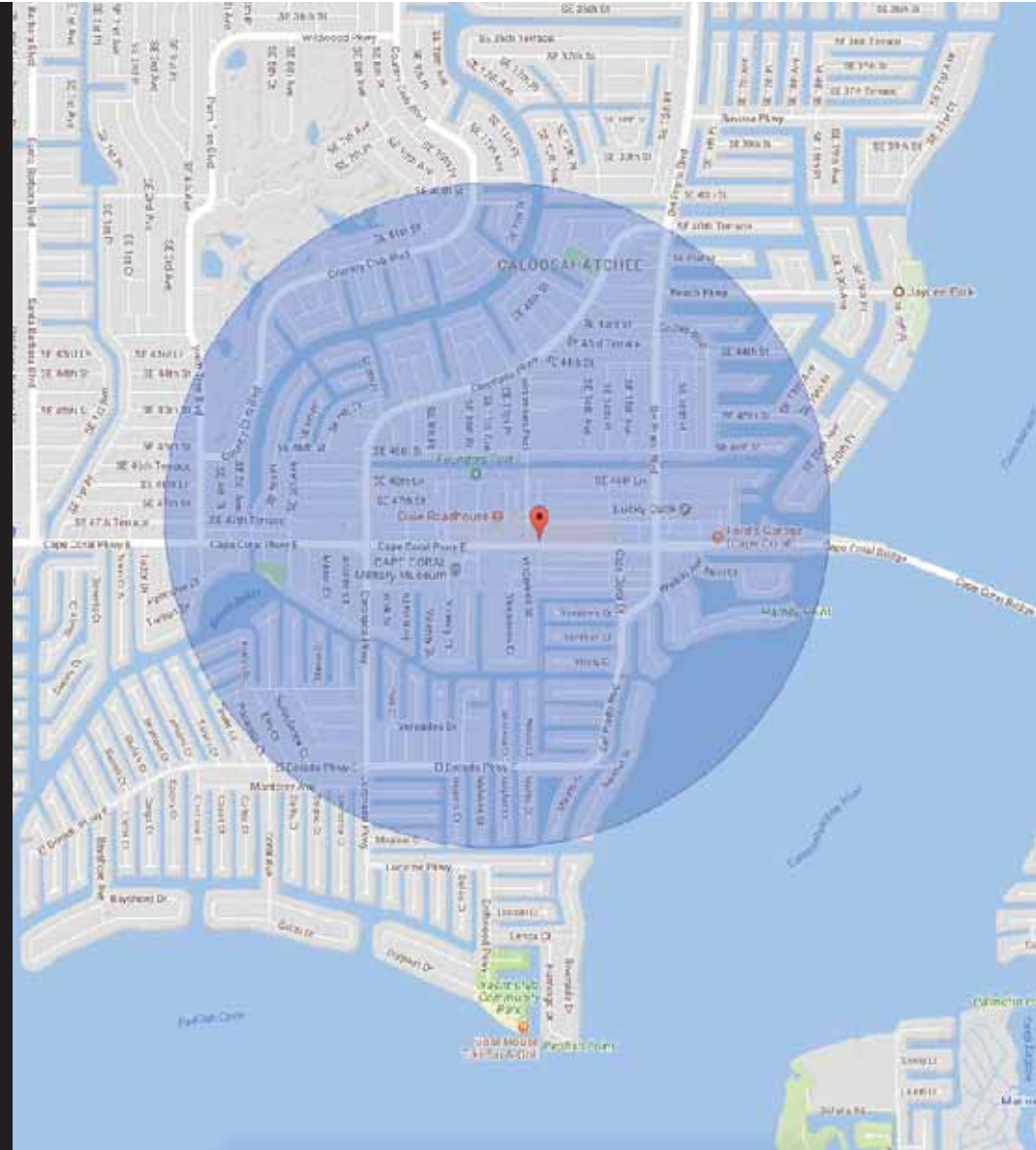
# METHODOLOGY

- Temporal Considerations (Time)
  - Calls for service from midnight to 6:00 AM
  - DUIs from 4:00 AM to 8:00 AM
  - Looking at the same dates (April 11- January 31) year-over-year



# METHODOLOGY

- Geographic Considerations
  - Bar area/CRA
  - South District
  - City-wide

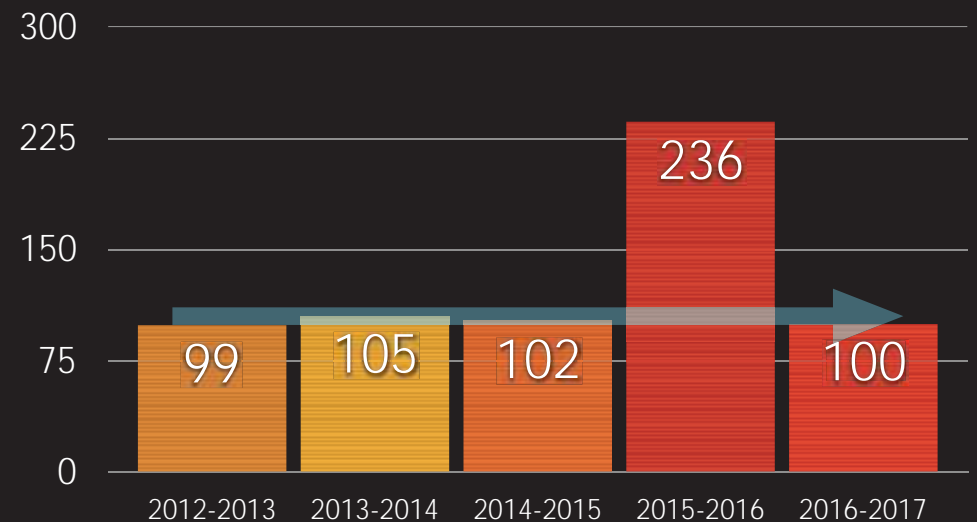


EXTENDED BAR HOURS

CALLS IN THE AREA

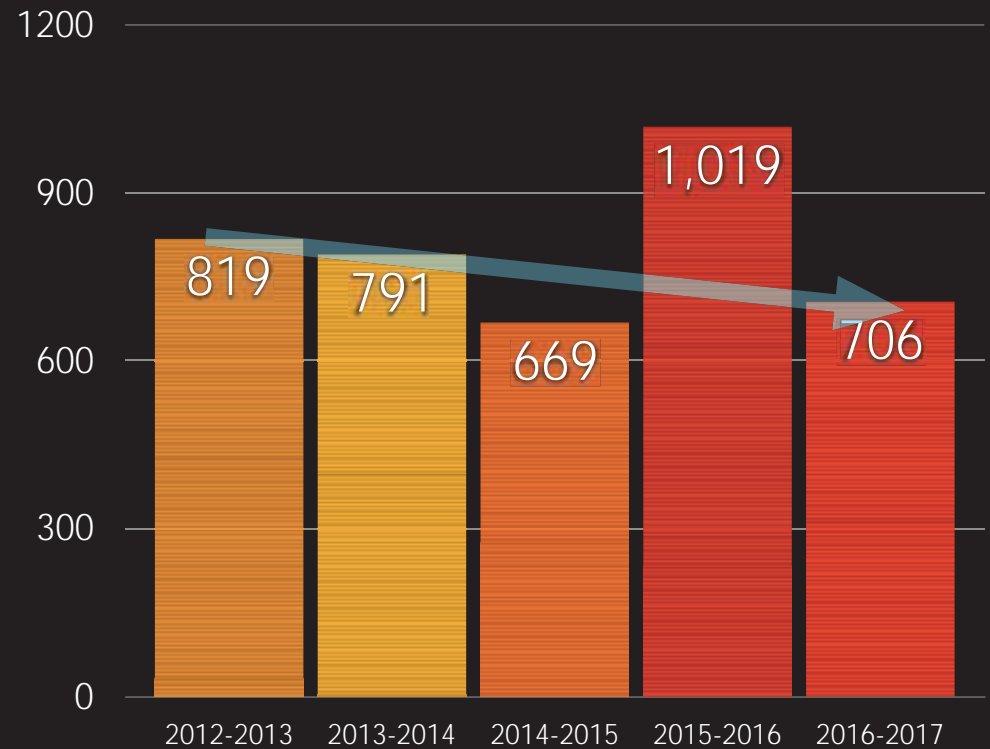
# BAR AREA/CRA

- Call types include:
  - Any kind of disturbance
  - Citizen Contact
  - Drunk Pedestrian
  - Trespassing
  - Liquor Law Violation
- An **increase of 131.37%** during the trial period year-over-year



## ALL CALLS BAR AREA/CRA

- An **increase of 52.32%** during the trial period year-over-year

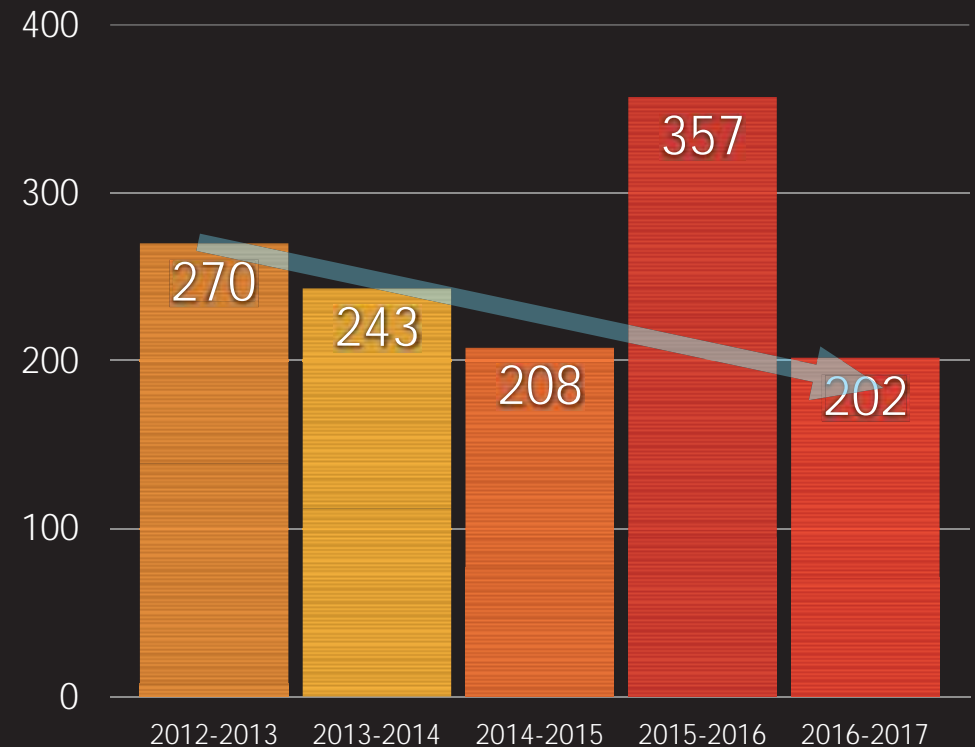


EXTENDED BAR HOURS

CALLS SOUTH DISTRICT

# FILTERED SOUTH DISTRICT

- Call types include:
  - Any kind of disturbance
  - Citizen Contact
  - Drunk Pedestrian
  - Trespassing
  - Liquor Law Violation
- An **increase of 71.63%** during the trial period year-over-year

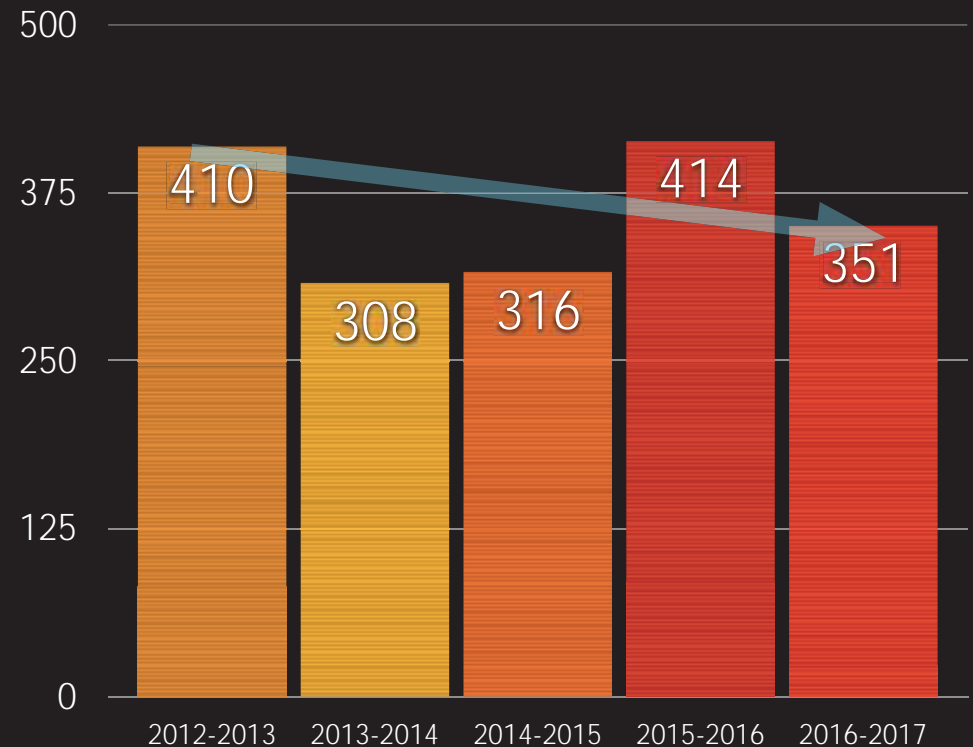


EXTENDED BAR HOURS

# CRIME REPORTS SOUTH DISTRICT

# CRIME REPORTS SOUTH DISTRICT

- All calls that:
  - Required police response
  - Resulted in police report being generated.

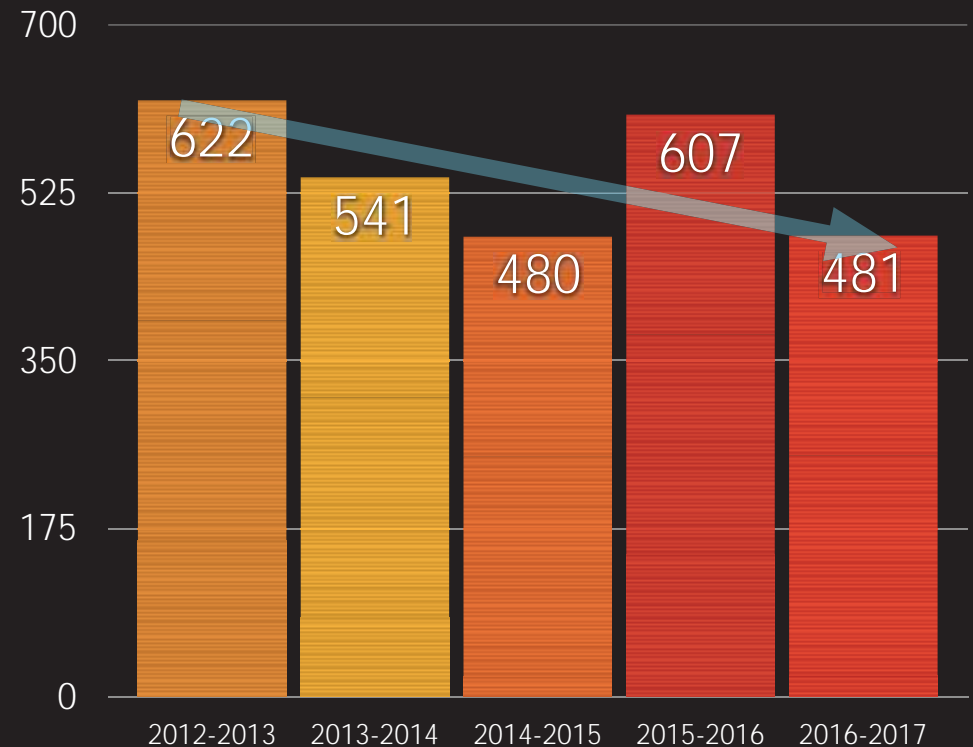


EXTENDED BAR HOURS

CALLS CITY-WIDE

# FILTERED CITY-WIDE

- Call types include:
  - Any kind of disturbance
  - Citizen Contact
  - Drunk Pedestrian
  - Trespassing
  - Liquor Law Violation
- An **increase of 26.46%** during the trial period year-over-year



EXTENDED BAR HOURS

# DRIVING UNDER THE INFLUENCE

# LAST TIME

- Awarded \$45,000 grant in May 2015.
- High Visibility Enforcement (HVE) Operations began June 6, 2015.
- 13 saturation patrols.
  - Conducted citywide on various Friday and Saturday nights.
  - 9:00 PM to 5:00 AM.



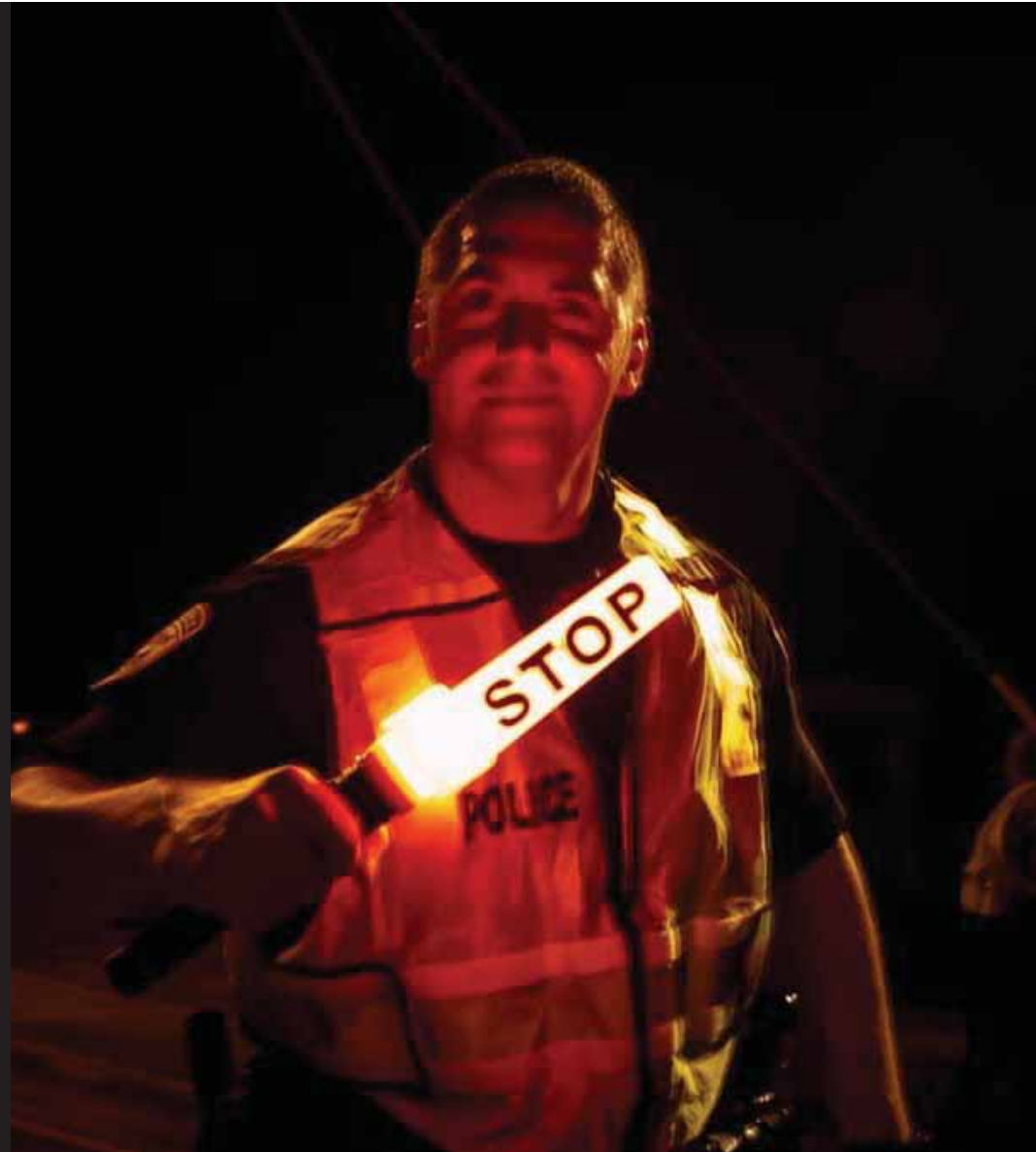
# LAST TIME

- 2 DUI checkpoints.
  - August 1, 2015 at 1200 block of Cape Coral Parkway East. 10:00 PM to 5:00 AM.
  - September 12, 2015 at 4400 Del Prado Boulevard S. 10:00 PM to 5:00 AM.
- **61 arrests overall.**
- **47 of which for DUI (25 in South District).**
- Checkpoints alone yielded 13 arrests, 10 of which were for DUI accounting for 28% of total HVE arrests.



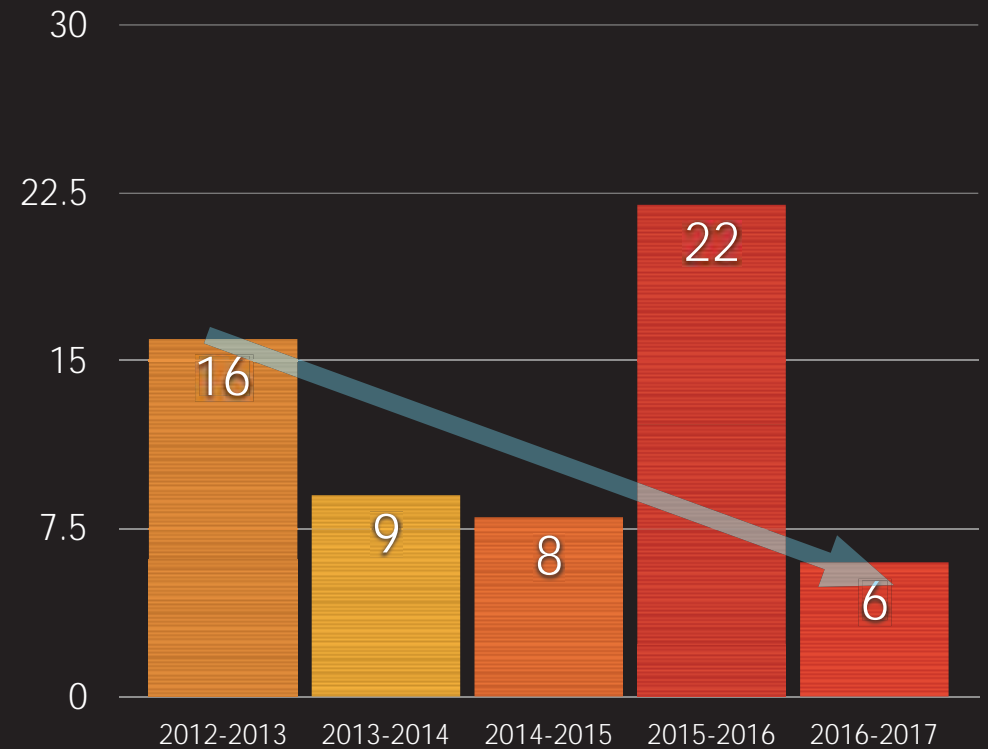
# LAST TIME

- Showed what was out there.
- Showed us what we were missing.
- This was an aspect that some on prior council disagreed with.
- “Not an apples to apples comparison.”



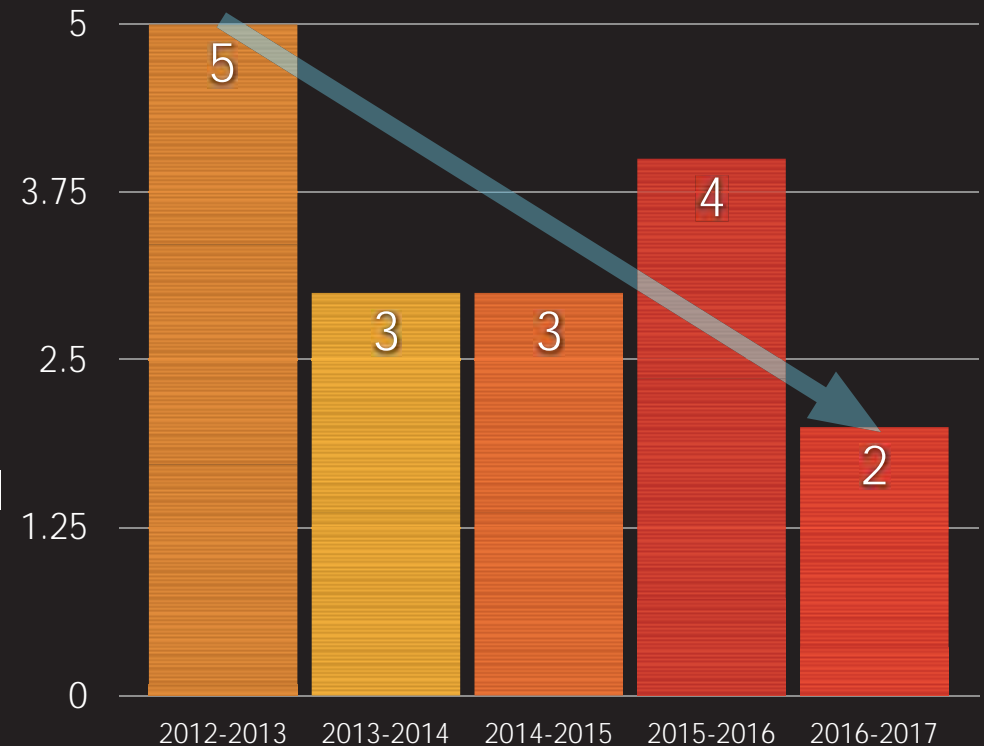
# DUI CITYWIDE 0400-0800

- An **increase of 175%** during the trial period year-over-year



## DUI CITYWIDE 0500-0900

- **Eliminated** DUIs captured during **ANY** grant funded DUI operations
- An **increase of 33%** during the trial period year-over-year



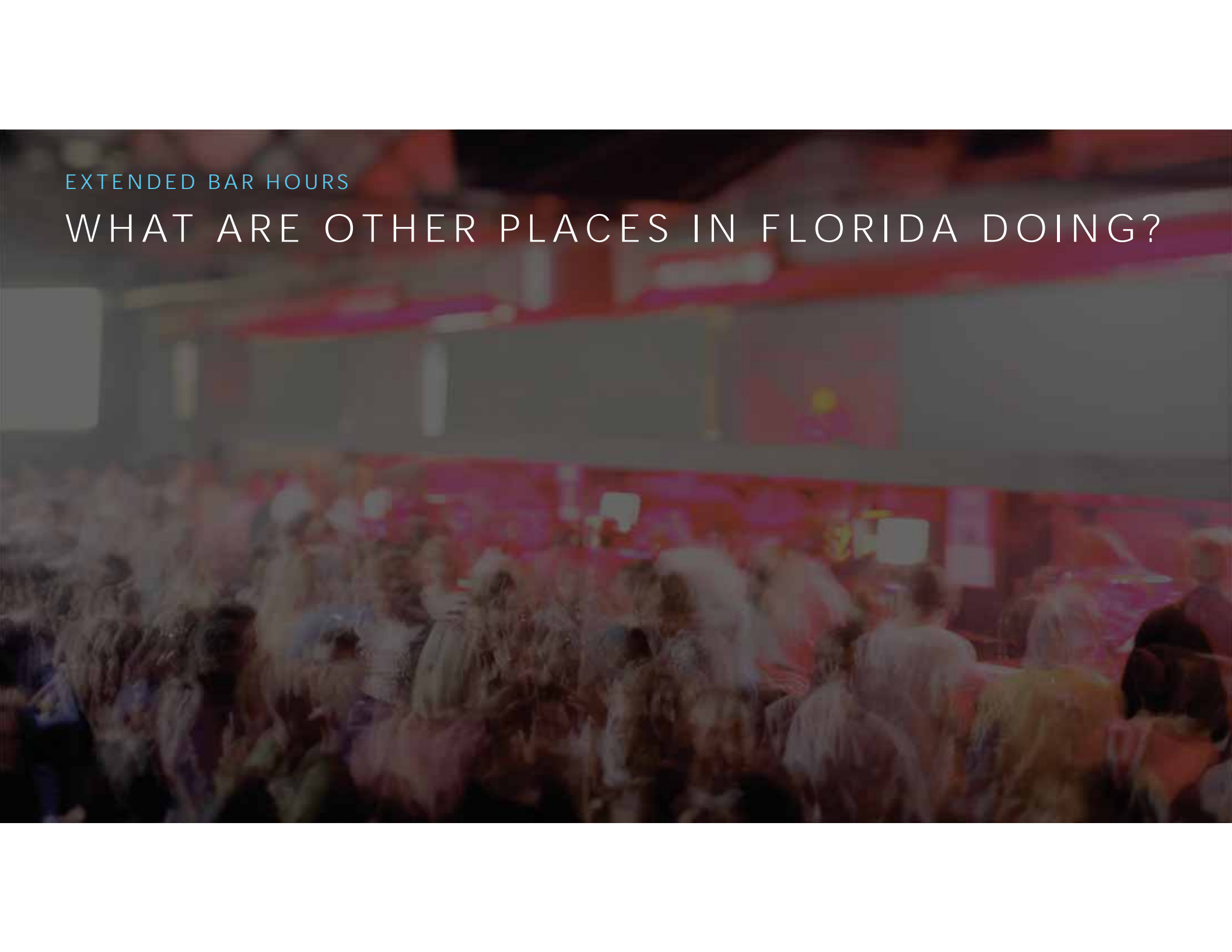
EXTENDED BAR HOURS

# A FINAL WORD ABOUT CORRELATION VS. CAUSATION

# CORRELATION VS. CAUSATION

- All calls cannot be directly attributed to the Extended Bar Hours program.
- Difficult to prove at the time and impossible to reverse-engineer.
- If not in whole, there is at least in part, a causal relationship.

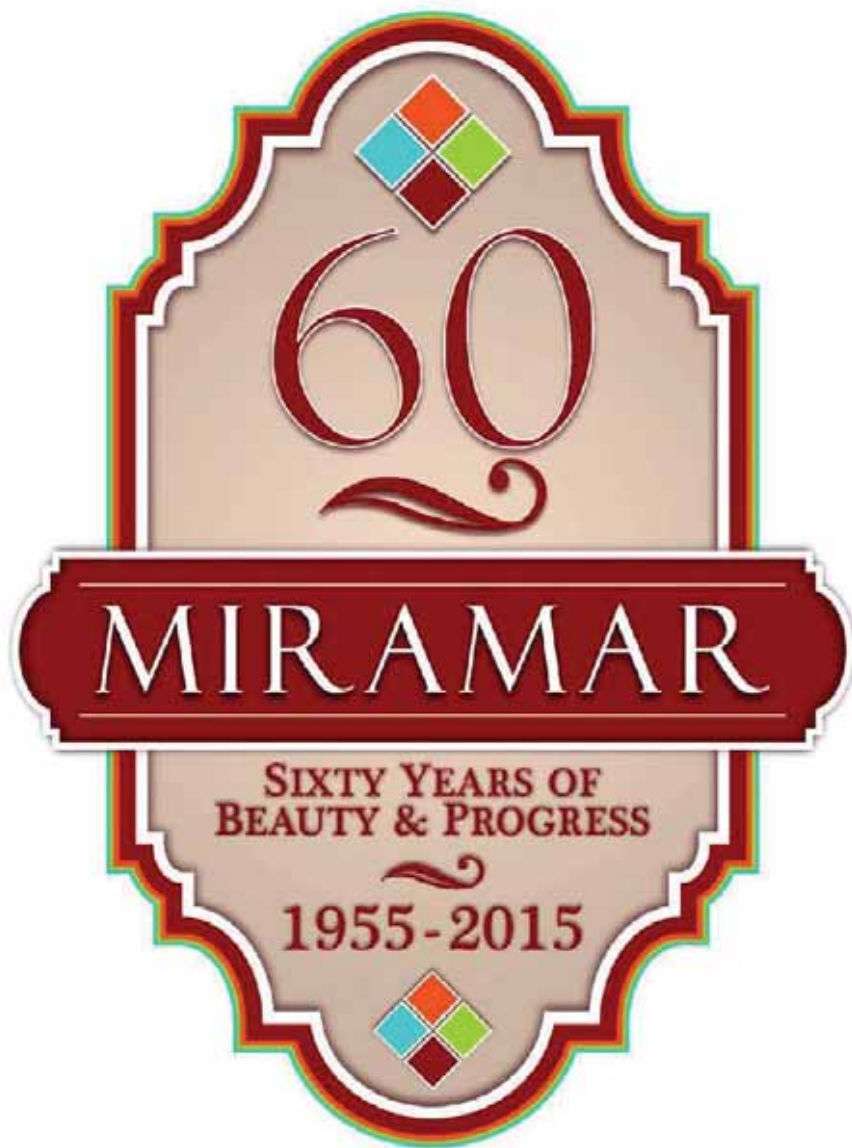


A large crowd of people is gathered at a night event, possibly a concert or festival. The scene is illuminated with vibrant red and pink lights, creating a festive atmosphere. The crowd is dense, and many people are wearing light-colored clothing. In the background, there are structures and possibly a stage area, though they are less distinct due to the lighting and distance.

EXTENDED BAR HOURS

WHAT ARE OTHER PLACES IN FLORIDA DOING?



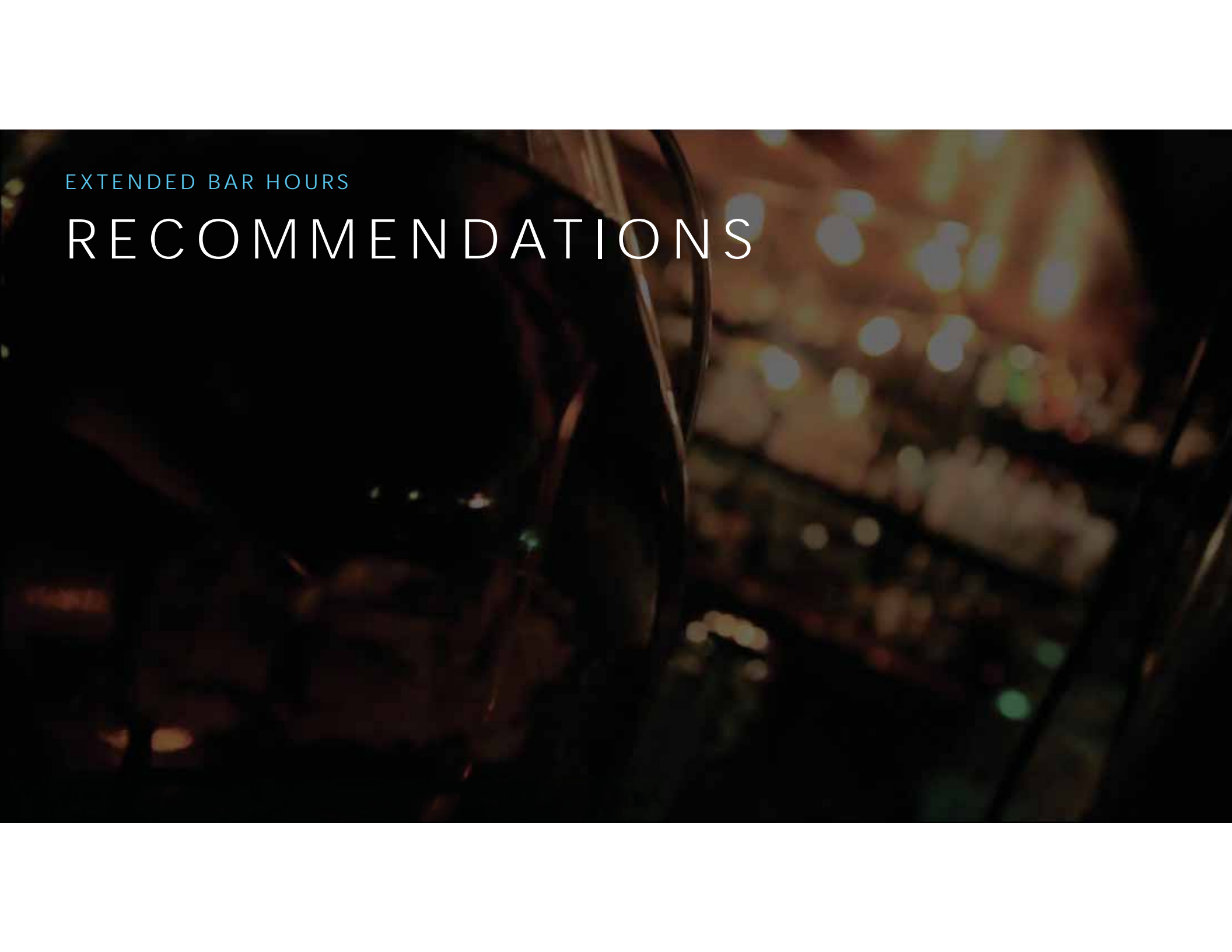


# HIGHLIGHTS AND COMMONALITIES

- Some end at 2:00 AM
- Additional off-street parking
- Security personnel and/or Police detail
- Screening and buffering from nearby properties
- Noise abatement
- Substantial licensing fees

# HIGHLIGHTS AND COMMONALITIES

- Enclosed building
- Extra liability insurance of \$1 million/incident
- Requirement to post exterior signage prohibiting loitering, participate in Trespass Program and Responsible Vendor Program, provide **free** taxi and towing
- Penalties for revocation or denial of renewal of permit



EXTENDED BAR HOURS

# RECOMMENDATIONS

EXTENDED BAR HOURS

STAFFING

# RECOMMENDATIONS: STAFFING

- Mitigate risks to citizens
- Protection of officers
- Recommendation is to deploy:
  - **Baseline** staffing of 4 officers and 1 supervisor
  - Overtime basis for now



# RECOMMENDATIONS: STAFFING

- Proposed 3 AM bar hour staffing is in addition to regular personnel needs
  - Based on allocation model
  - Current staffing needs of the department to maintain current response times is 35 officers



EXTENDED BAR HOURS

TECHNOLOGY

# CAMERAS

- Deters crime
- Aids in identification/apprehension
- Added layer of security outside establishments
- Good timing



# LICENSE PLATE READERS (LPR)

- Deter crime
- Reduce trafficking
- Improved road safety
- Detection of
  - Warrants
  - Stolen vehicles
  - Suspect BOLOs



# PATRON SCAN

- Fake ID detection
- Challenge questions
- Stops "ID passing"
- Age verification
- Shared "Banned Patrons" list
- Real-time notifications
  - Fights
  - Banned patrons

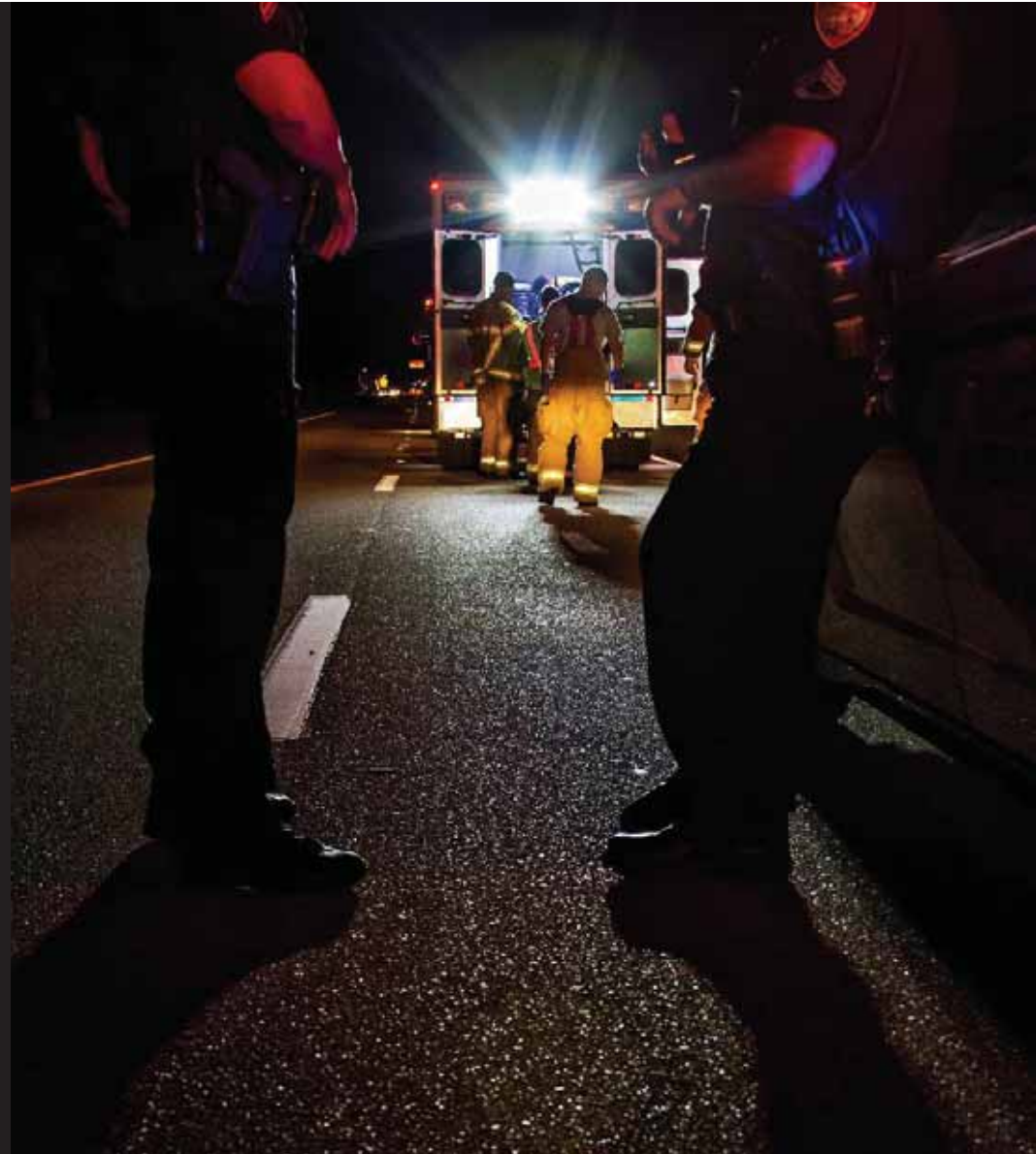


EXTENDED BAR HOURS

COSTS

# COSTS

- 4 Officers and 1 Supervisor
- Total cost **\$158,440**



EXTENDED BAR HOURS

# TIMELINE

# TIMELINE

- 3 AM (Compromise)
  - Proposal of Pilot Program April 2018-April 2019
  - Evaluate program during 47th Terrace Streetscape Project and after completion
  - 47th Terrace Streetscape Project through December 2018. (9 months)
    - Numerous detours, road closures, roads of egress and ingress closed, and potential single lanes of travel.
    - Impact on community, public safety, and revenue
- Implementation of technology
  - PatronScan- **IMMEDIATELY**
  - Cameras and LPRs TBD

A close-up photograph of a martini glass filled with a pink liquid. The rim of the glass is coated with a white, granular substance, likely sugar or salt. The background is dark and out of focus, featuring several large, circular bokeh lights in shades of blue, green, and white. The word "QUESTIONS?" is overlaid in white, serif, all-caps font on the left side of the image.

QUESTIONS?