



AGENDA

SPECIAL MEETING OF THE COMMUNITY REDEVELOPMENT AGENCY

March 14, 2018

10:00 AM

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. PUBLIC INPUT**
- 5. ORDER OF UNFINISHED BUSINESS**
 - A. Recommend approval or denial of City Ordinance 21-18, Re-establishing the Extended Bar Hours Program as it pertains to a permanent program or construction/trial program.
- 6. BUSINESS**
- 7. TIME AND PLACE OF NEXT MEETING**
 - A. Tuesday, April 3, 2018 at 3:00 PM at 4816 Chester Street
- 8. MOTION TO ADJOURN**

| | |
|----------------------|-------------------------------------|
| Item Number: | 5.A. |
| Meeting Date: | 3/14/2018 |
| Item Type: | ORDER OF UNFINISHED BUSINESS |

AGENDA REQUEST FORM



*Community Redevelopment
Agency*

TITLE:

Recommend approval or denial of City Ordinance 21-18, Re-establishing the Extended Bar Hours Program as it pertains to a permanent program or construction/trial program.

SUMMARY:

WHAT THE ORDINANCE ACCOMPLISHES:

Ordinance 21-18 amends Chapter 3, Alcoholic Beverages, Section 3-2, Hours of Operation of the Code of Ordinances to extend hours of operation for regulated establishments for consumption on premises only in the South Cape Downtown District.

(Applicant: Brought forward by Councilmember Carioscia)

The City previously established a program that allowed regulated establishments in the South Cape zoning district to expand their hours for service of alcohol until 4 a.m. on Saturday and Sunday mornings. The program was in effect for a one-year trial period, at which time Council did not approve the continuance of the program.

The proposed ordinance re-establishes the ability of regulated establishments in the South Cape Downtown District to obtain an extended hours permit to expand their hours for service of alcohol until 3 a.m. on Saturday and Sunday mornings and certain other holiday-related days. The establishments must comply with certain requirements that are similar but not identical to the regulations that were in place previously.

ADDITIONAL INFORMATION:

Action Requested:

Motion to recommend approval or denial of City Ordinance 21-18, Re-establishing the Extended Bar Hours Program as it pertains to a permanent program or construction/trial program.

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| □ Memo - Extended Bar Hours in the CRA | Backup Material |



- | | | |
|---|---|-----------------|
| ▣ | Ordinance_21-18 South Cape Extended Hours | Backup Material |
| ▣ | South Cape Hospitality Zone Presentation | Backup Material |
| ▣ | Revised Presentation for Ordinance 21-18 | Backup Material |
| ▣ | Email from Chair Lomonaco 3.14.2018 | 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 47th 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 47th 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 47th 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 47th 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 | \$ | 70.43 | Tier 1 | \$ 78,296.63 |
| OT Budgetary Impact Hourly Rate | | OT Budgetary Impact Hourly Rate | | Tier 2 | \$ 106,405.04 |
| 5.5 Hours per night *.5 hr for BWC | | 5.5 Hours per night *.5 hr for BWC | | Tier 3 | \$ 156,593.25 |
| 2 Nights per week | | 2 Nights per week | | Tier 4 | \$ 184,701.66 |
| 26 Total Weeks | | 26 Total Weeks | | | |
| 5 Holidays | | 5 Holidays | | | |
| <hr/> 286 Total Normal Hours | | <hr/> 286 Total Hours per year | | | |
| <hr/> 27.5 Holiday Hours | | <hr/> 27.5 Holiday Hours | | | |
| <hr/> 313.5 Total Hours | | <hr/> 313.5 Total Hours | | | |
| | | | | * Payroll cost to City | |
| \$ | 14,054.21 | T1/2 \$ | 22,079.81 | 1 Police Officer per year (minimum) | |
| T1 \$ | 56,216.82 | T3/4 \$ | 44,159.61 | 1 Police Sergeant per year (minimum) | |
| T2 \$ | 84,325.23 | 2 Sergeants | | | |
| T3 \$ | 112,433.64 | | | | |
| T4 \$ | 140,542.05 | | | | |
| 4 Police Officers | | | | | |
| 6 Police Officers | | | | | |
| 8 Police Officers | | | | | |
| 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 | \$ | 71.72 | Tier 1 | \$ 80,143.14 |
| OT Budgetary Impact Hourly Rate | | OT Budgetary Impact Hourly Rate | | Tier 2 | \$ 108,972.60 |
| 5.5 Hours per night *.5 hr for BWC | | 5.5 Hours per night *.5 hr for BWC | | Tier 3 | \$ 160,286.28 |
| 2 Nights per week | | 2 Nights per week | | Tier 4 | \$ 189,115.74 |
| 26 Total Weeks | | 26 Total Weeks | | | |
| 5 Holidays | | 5 Holidays | | | |
| <hr/> 286 Total Normal Hours | | <hr/> 286 Total Hours per year | | | |
| <hr/> 27.5 Holiday Hours | | <hr/> 27.5 Holiday Hours | | | |
| <hr/> 313.5 Total Hours | | <hr/> 313.5 Total Hours | | | |
| | | | | * Payroll cost to City | |
| \$ | 14,414.73 | T1/2 \$ | 22,484.22 | 1 Police Officer per year (minimum) | |
| T1 \$ | 57,658.92 | T3/4 \$ | 44,968.44 | 1 Police Sergeant per year (minimum) | |
| T2 \$ | 86,488.38 | 2 Sergeants | | | |
| T3 \$ | 115,317.84 | | | | |
| T4 \$ | 144,147.30 | | | | |
| 4 Police Officers | | | | | |
| 6 Police Officers | | | | | |
| 8 Police Officers | | | | | |
| 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 1st (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 31st (for extended hours on November 1st), December 31st (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 1st and January 1st (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

A map of the South Cape Coral area in Florida, showing streets, parks, and water bodies. The map is centered on Cape Coral Pkwy E and Coronado Pkwy. The text "South Cape Hospitality Zone & Economic Incentive Package" is overlaid in the center. The map shows various streets including SE 44th St, SE 45th St, SE 46th St, SE 47th St, SE 48th St, SE 49th St, SE 50th St, SE 51st St, SE 52nd St, SE 53rd St, SE 54th St, SE 55th St, SE 56th St, SE 57th St, SE 58th St, SE 59th St, SE 60th St, SE 61st St, SE 62nd St, SE 63rd St, SE 64th St, SE 65th St, SE 66th St, SE 67th St, SE 68th St, SE 69th St, SE 70th St, SE 71st St, SE 72nd St, SE 73rd St, SE 74th St, SE 75th St, SE 76th St, SE 77th St, SE 78th St, SE 79th St, SE 80th St, SE 81st St, SE 82nd St, SE 83rd St, SE 84th St, SE 85th St, SE 86th St, SE 87th St, SE 88th St, SE 89th St, SE 90th St, SE 91st St, SE 92nd St, SE 93rd St, SE 94th St, SE 95th St, SE 96th St, SE 97th St, SE 98th St, SE 99th St, SE 100th St. The map also shows parks such as Cape Coral Four Freedoms Park, Bimini Basin, and Bernice Braden Park. The text "South Cape Hospitality Zone & Economic Incentive Package" is overlaid in the center of the map.

South Cape Hospitality Zone & Economic Incentive Package

Why Hospitality Zones with Special Licensing Work

- They are magnets for tourism, conventions, and hotel development.
- They enhance residential living and cultural activities in the area.
- They bring in new, sustainable businesses.
- They increase existing property values, and property taxes.

Why Hospitality Zones with Special Licensing Work (continued)

- They bring many new customers from surrounding municipalities.
- They create many new jobs, new residents, and new taxpayers.
- They create “vibrancy” from sidewalk cafes to live entertainment to city events.
- They enhance city-wide safety by consolidating entertainment into a specific area.

Why a “Zone”?

- The primary purpose is to revitalize older areas by driving significant new business to the area.
- The businesses need to be within walking-distance of each other for it to work at all.
- It creates a huge marketing opportunity for the district to revitalize itself and maintain an edge for the future rather than becoming blighted.
- The businesses reinvest in capital improvements upgrading and revitalizing old buildings.

Why a “Zone”? (continued)

- The “zone” grows city’s revenue and tax base with increased property values, jobs, tolls, and sales taxes.
- It is much cheaper and more efficient for the city to concentrate their police presence into one zone.
- Reduced crime through safety co-ordination between the business and property owners, the police, residents, and all other stakeholders.

Why a “Zone”? (continued)

- Draws a creative class of local entrepreneurs.
- Expands tourism and business/meeting hotel trade. The district is central to the hotels.
- Supports local businesses, residents, and tourism that feed off of special events in the CRA.

EDO Results from Pilot Program

- Sales in South Cape businesses that **did not** participate were up as much as 140%.
- Sales in the two businesses that **did** participate were up as much as 48%.
- Businesses we surveyed outside of the South Cape CRA district were only up 10%-20%.
- Sales taxes in Lee County were only up 11.5% - proving that the South Cape CRA increases were **not** due to local economy increases.

EDO Results from Pilot Program(continued)

- South Cape added 69 new businesses in 2015, a **25% increase**. It was the largest increase since the economic downturn and much larger than other areas in Cape Coral.
- The Pilot Program created an environment where new businesses were considering investing. This is what we wanted to see.
- Existing businesses invested over \$350,000.00 in concerts and other special events which bring more people, money, and cultural vibrancy to Cape Coral.

EDO Results from Pilot Program (continued)

- These businesses tend to buy locally, an important aspect of our local economy.
- These businesses also hire locally, which is good for our local job-seekers, and employment.
- These efforts brought many more customers over the bridges to our restaurants and entertainment venues. This is new money.
- New people visiting restaurants, concerts, and bars also visited many other businesses in Cape Coral such as gas stations, convenience stores, pharmacies, taxis, hotels, and fast-food restaurants.

EDO Results from Pilot Program (continued)

- As a potential new business location, an important consideration in site selection is that their workers can enjoy an energetic and vibrant nightlife.
- This revitalized CRA area could help springboard other development nearby such as Bimini Basin, Village Square, and the former golf course area.
- As we grow our city and attempt to attract new businesses and a younger demographic, this is all very favorable for The City of Cape Coral.

South Cape Business Survey

After the test period, the EDO commissioned a survey of randomly selected South Cape Businesses. The results were:

- 74% said the program helped brand South Cape as a destination.
- 63% said they saw a sales increase because of the program.
- 68% said they saw more customers from outside Cape Coral.
- 77% said they saw the test program as a positive influence for South Cape.

The 4am test impacted 100's of businesses in a positive way.

Tax Benefits

Cities need a strong business tax base accomplished by:

- Increasing business property values
- Increasing business sales.
- Attracting new businesses to the city.
- Attracting new business customers from outside the city.

*This initiative accomplishes **all four** tax goals of the city.*

Plus, it is instant - and there is no capital outlay by The City to accomplish it.

What's so special about after-hours licensing?

It creates a marketing “niche” that sets the CRA entertainment zone apart from other areas in the region.

This is **not** about more drinking 2am-3am. It is really about the huge foot-traffic and sales increases from 6pm-Midnight for all hospitality venues in the CRA area - plus more tolls, auxiliary business visits, overnight stays at the hotels, area branding, new jobs, and new tax revenue.

Why a permanent ordinance?

- Permanence gives developers the peace-of-mind that they need to invest 100's of thousands or even millions of dollars into a new venture. Even with a permanent ordinance, it can be modified or cancelled completely by City Council at any time. It is not really “permanent”.

Questions?

Joe Mazurkiewicz – BJM Consulting

EXECUTIVE SUMMARY

- Public Safety Interests
 - Safety and welfare of the public (road construction)
 - Increase calls for service
 - Crime data
- 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 - April 3, 2016.
 - **Data is collected for Council from April 11, 2015- December 31, 2015.**



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

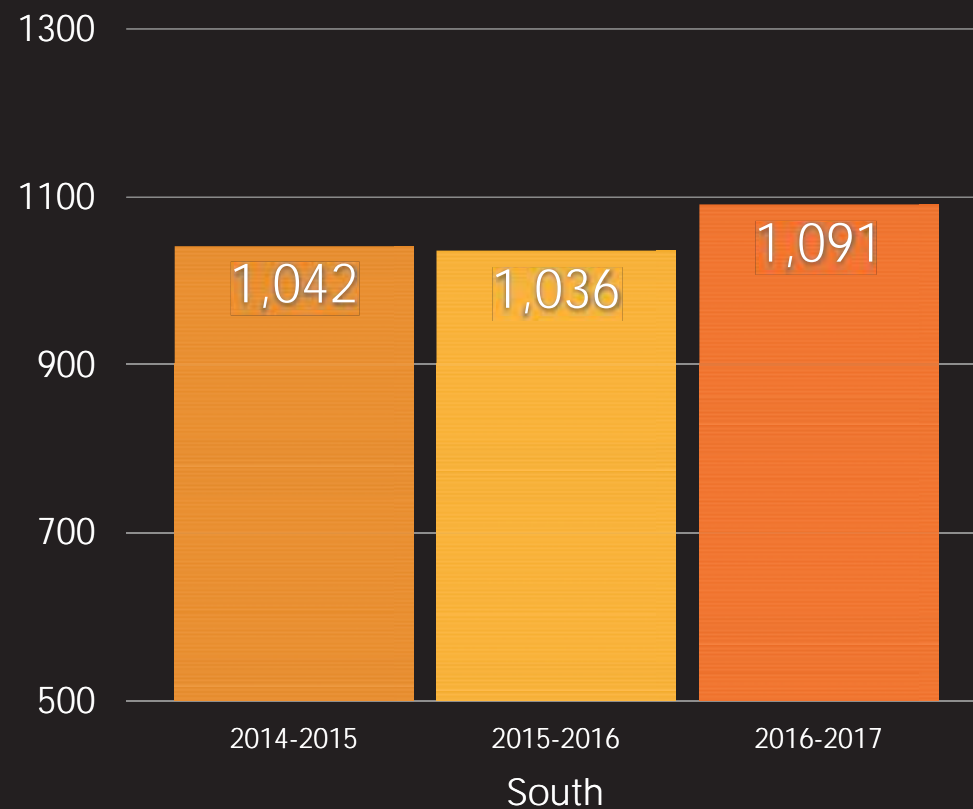
UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES

UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES

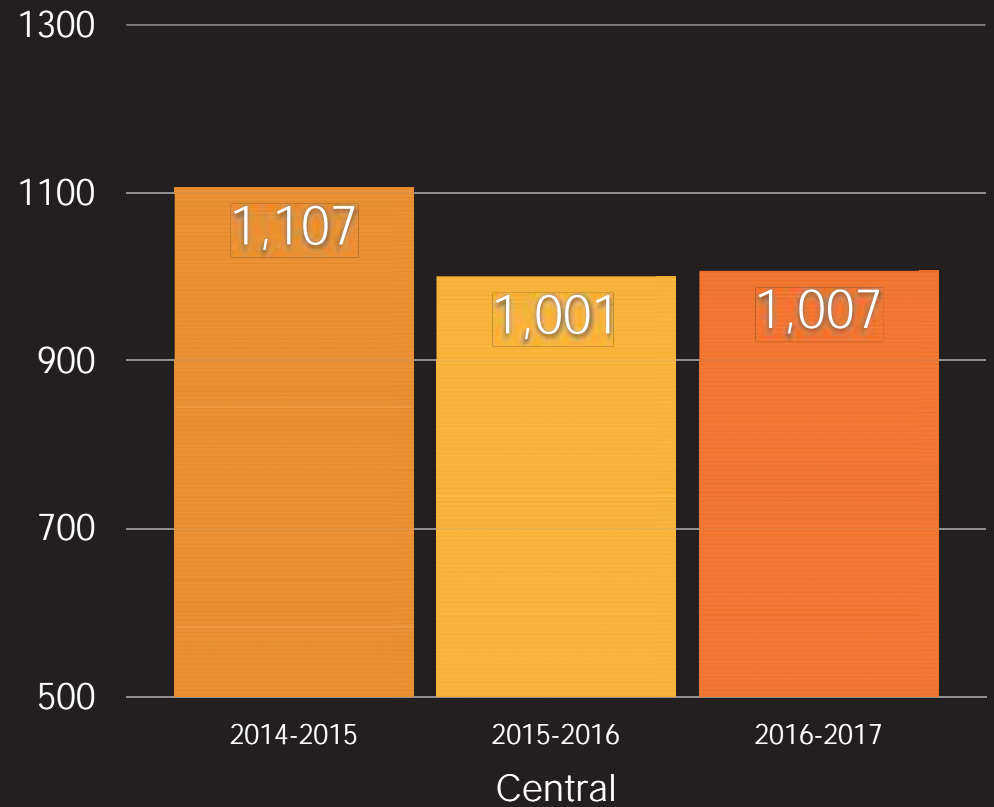
- Part 1 Crimes:
 - Murder and non negligent homicide
 - Rape
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor vehicle theft
 - Larceny-theft
 - Arson



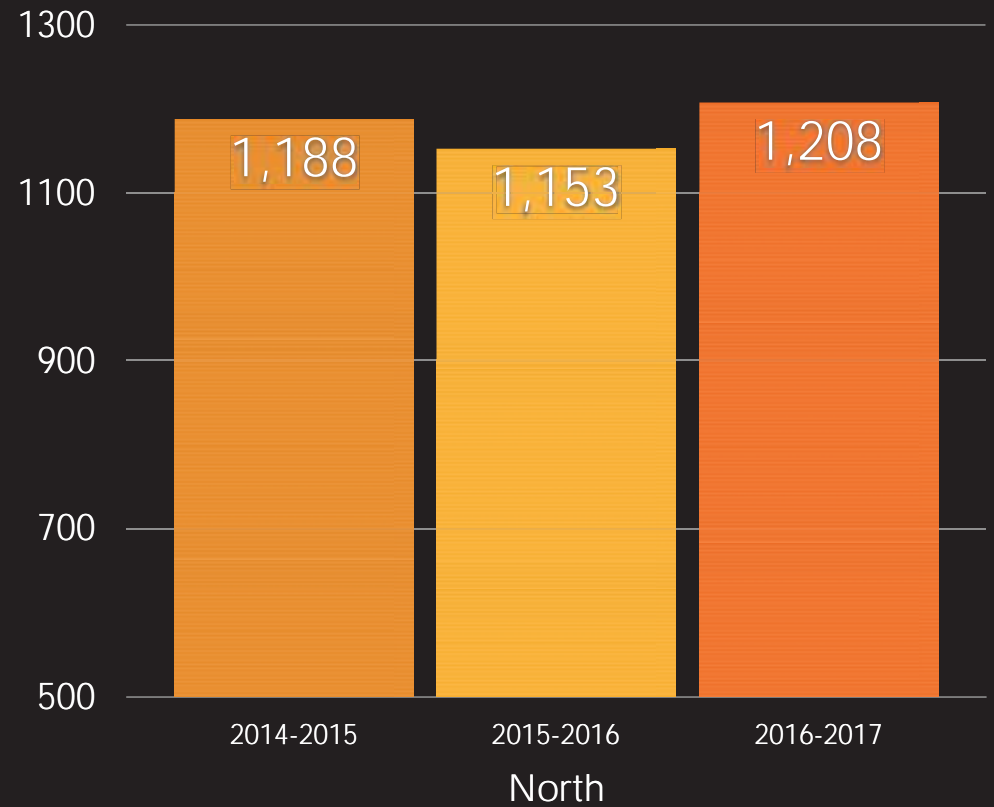
UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT



UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT

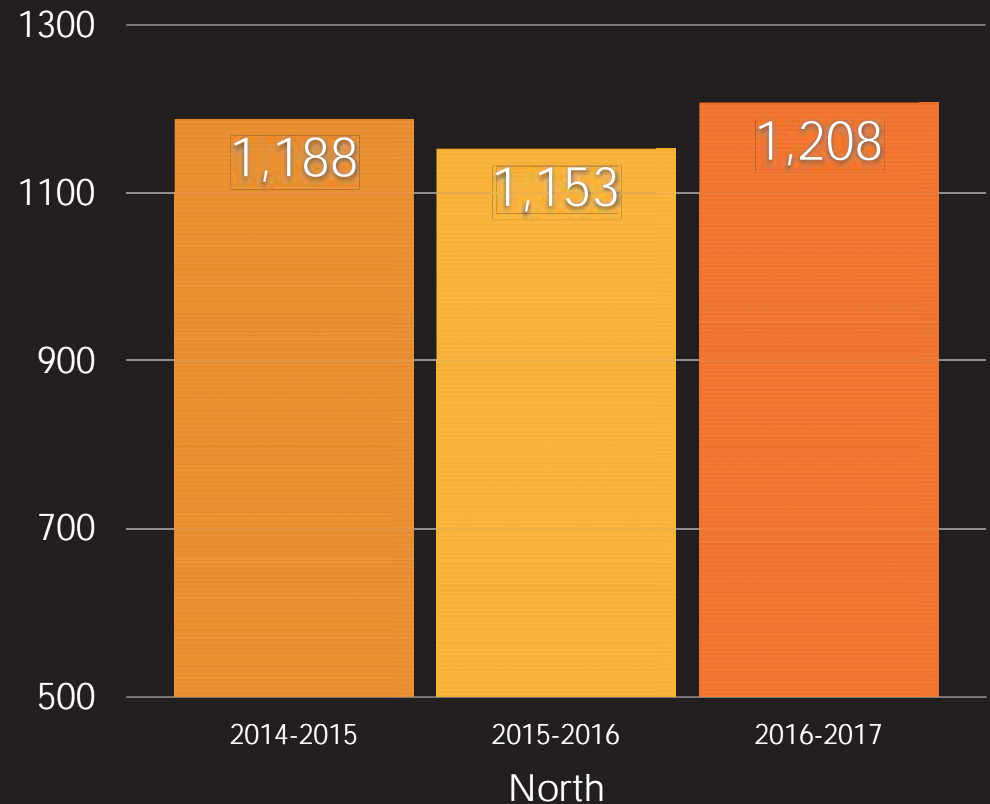


UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT



UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT

- Considered the worst crimes
- Cape Coral Police Department receives over 285,659 calls for service annually
- Very small percentage of workload
- With low numbers overall, even small changes equate to big percentage shifts



EXTENDED BAR HOURS

METHODOLOGY

METHODOLOGY

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



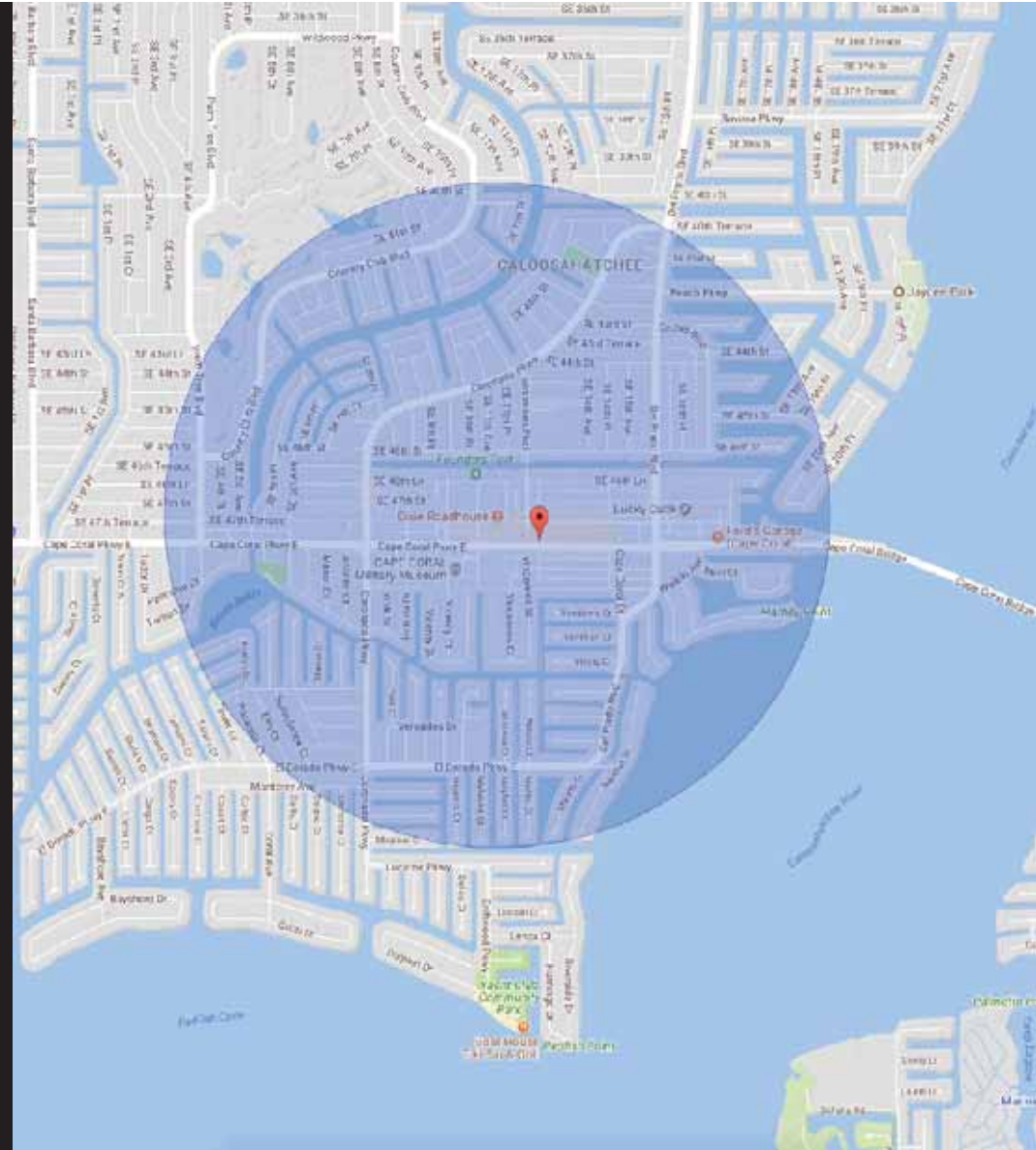
METHODOLOGY

- 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-April) year-over-year



METHODOLOGY

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

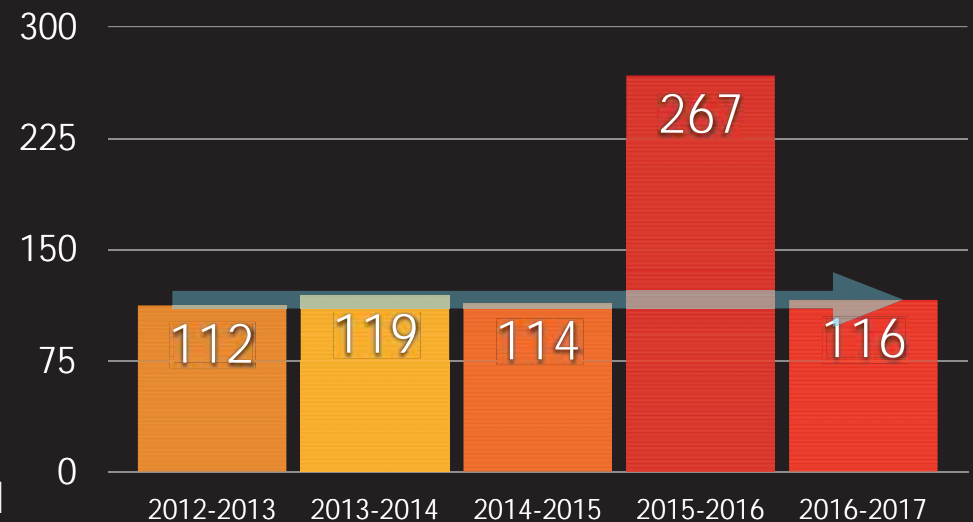


EXTENDED BAR HOURS

CALLS IN THE AREA

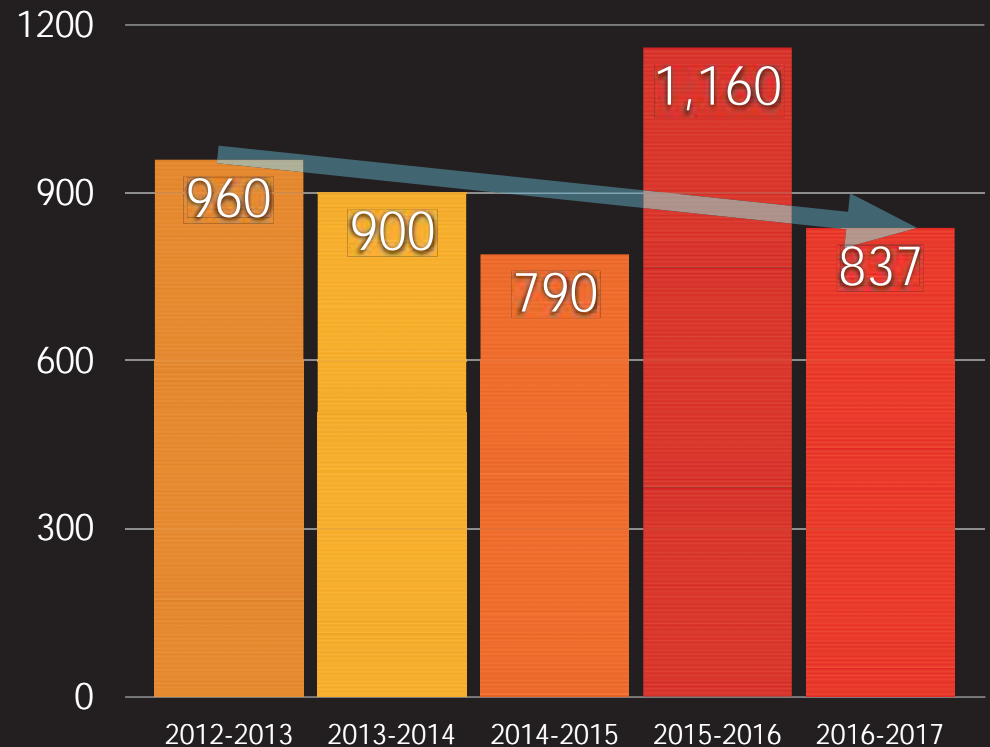
BAR AREA/CRA

- Call types include:
 - Any kind of disturbance
 - Citizen Contact
 - Drunk Pedestrian
 - Trespassing
 - Liquor Law Violation
- An **increase of 134.21%** during the Extended Bar Hours trial period year-over-year



ALL CALLS BAR AREA/CRA

- An **increase of 46.84%** during the Extended Bar Hours trial period year-over-year

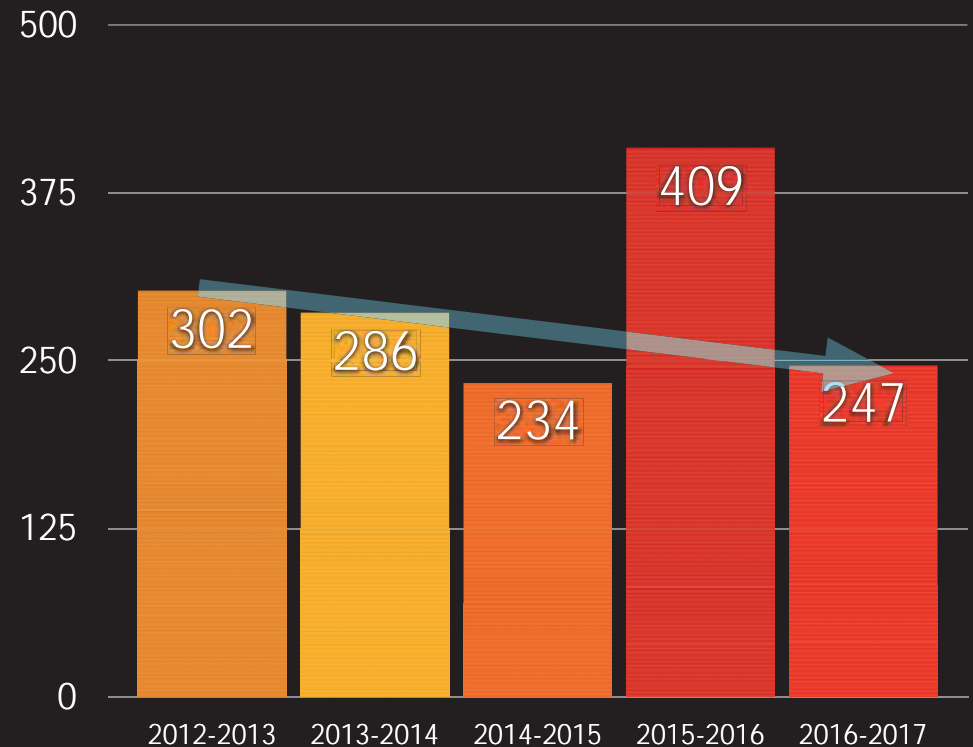


EXTENDED BAR HOURS

CALLS SOUTH DISTRICT

FILTERED SOUTH DISTRICT

- Call types include:
 - Any kind of disturbance
 - Citizen Contact
 - Drunk Pedestrian
 - Trespassing
 - Liquor Law Violation
- An **increase of 74.79%** during the Extended Bar Hours trial period year-over-year

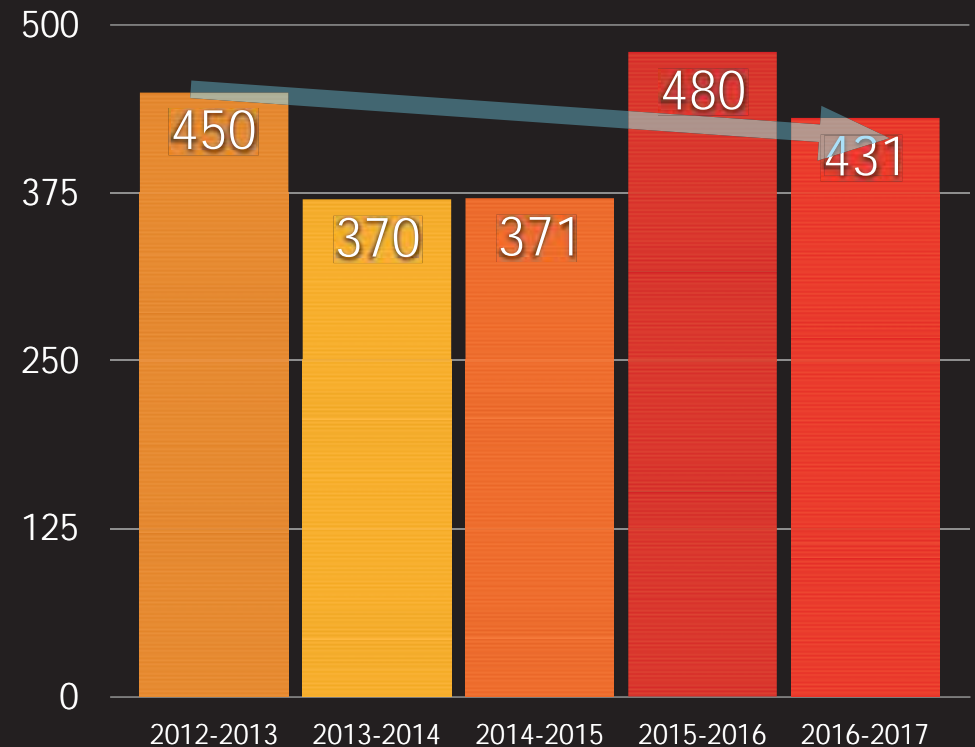


EXTENDED BAR HOURS

CRIME REPORTS SOUTH DISTRICT AND CITYWIDE

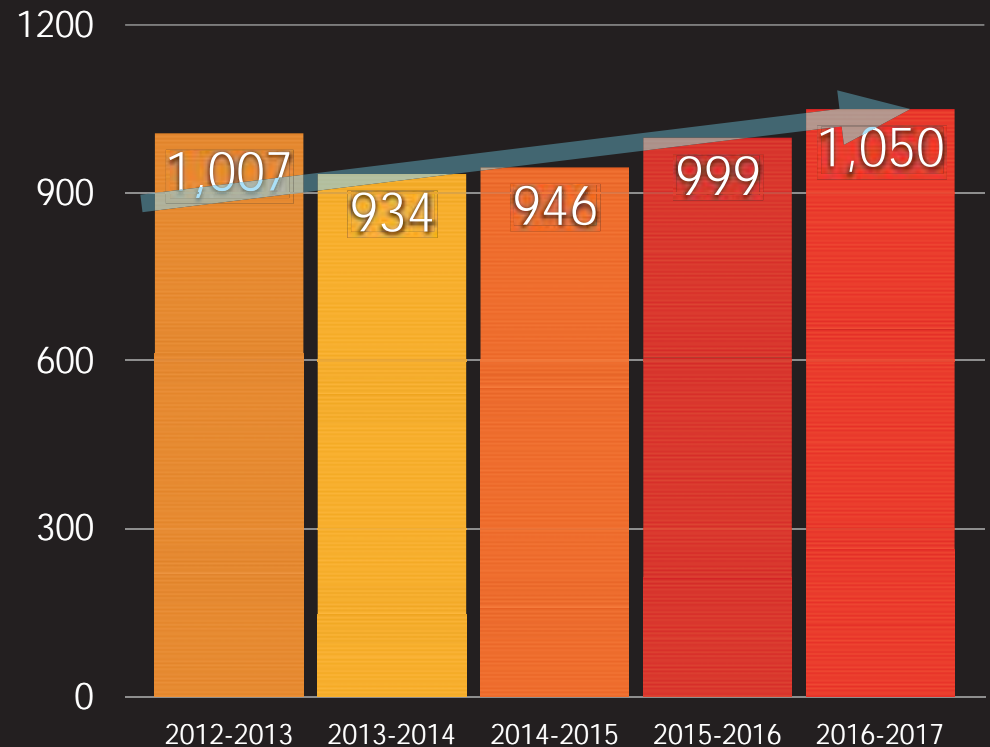
CRIME REPORTS SOUTH DISTRICT

- All calls that:
 - Required police response
 - Resulted in police report being generated.
- An **increase of 29.38%** during the Extended Bar Hours trial period year-over-year



CRIME REPORTS CITYWIDE

- All calls that:
 - Required police response
 - Resulted in police report being generated.
- An **increase of 5.6%** during the Extended Bar Hours trial period year-over-year

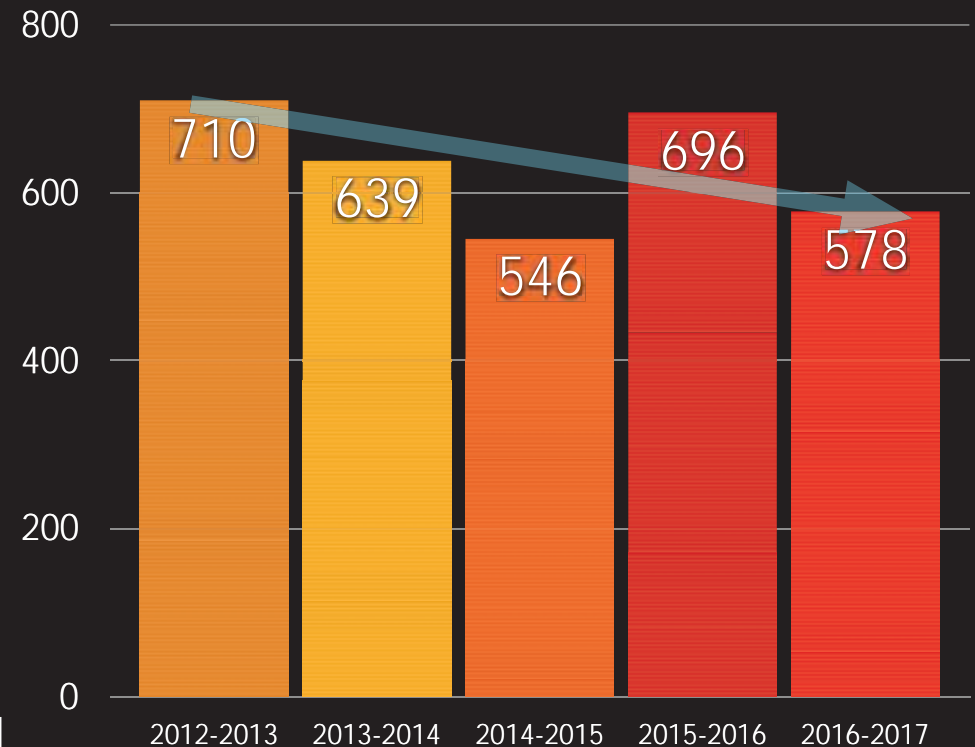


EXTENDED BAR HOURS

CALLS CITY-WIDE

FILTERED CITY-WIDE

- Call types include:
 - Any kind of disturbance
 - Citizen Contact
 - Drunk Pedestrian
 - Trespassing
 - Liquor Law Violation
- An **increase of 27.47%** during the Extended Bar Hours 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.



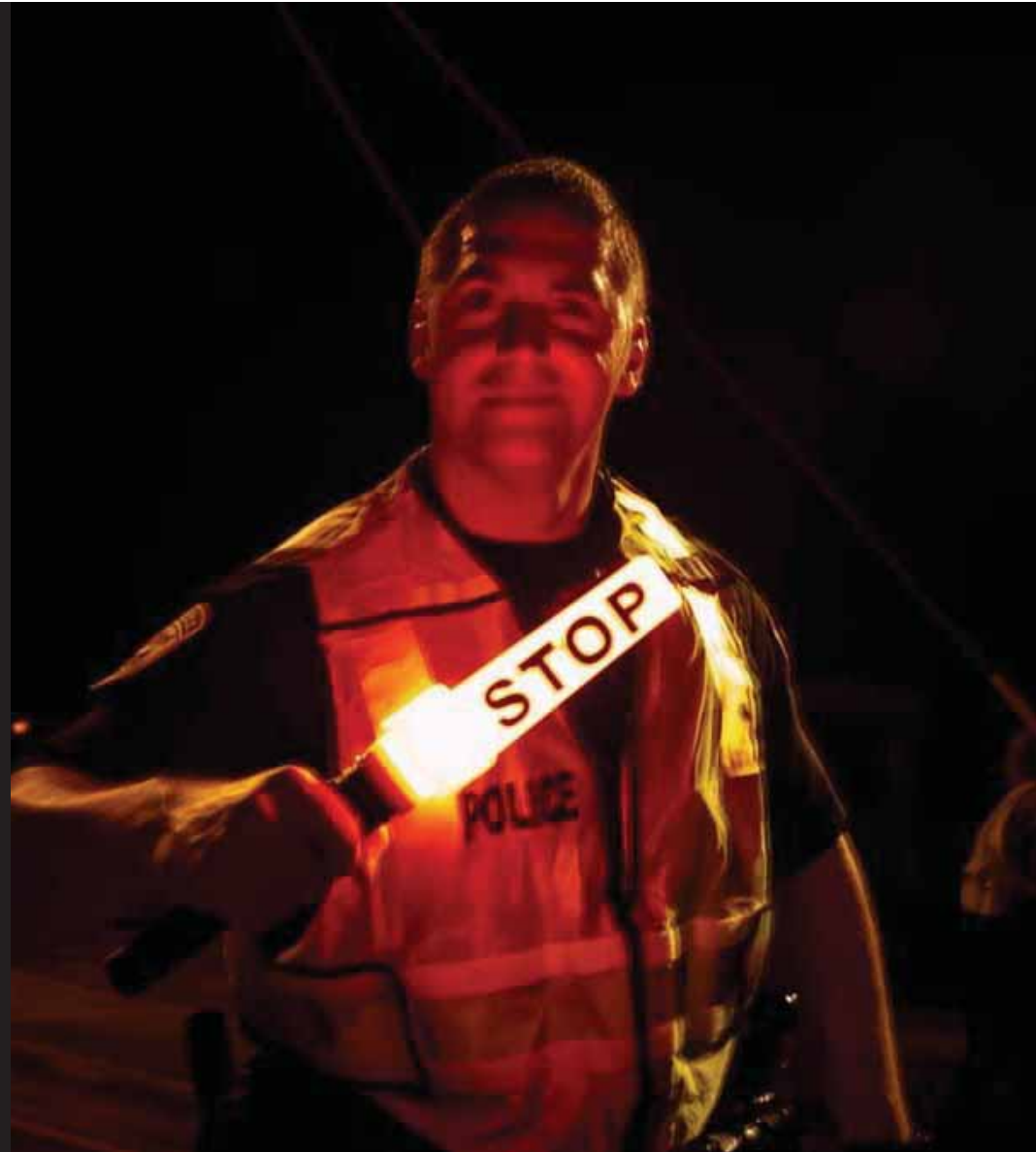
LAST TIME

- 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.
 - Checkpoints alone yielded 13 arrests, 10 of which were for DUI accounting for 28% of total HVE arrests.
- **61 arrests overall.**
- **47 of which for DUI (25 in South District).**



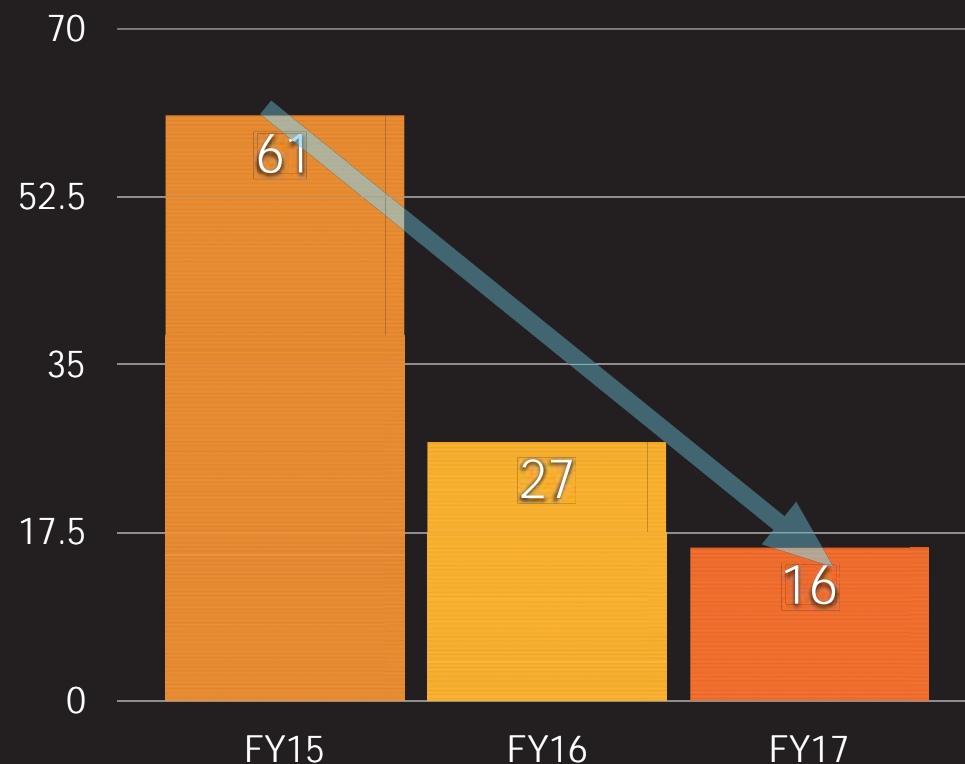
LAST TIME

- 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.”



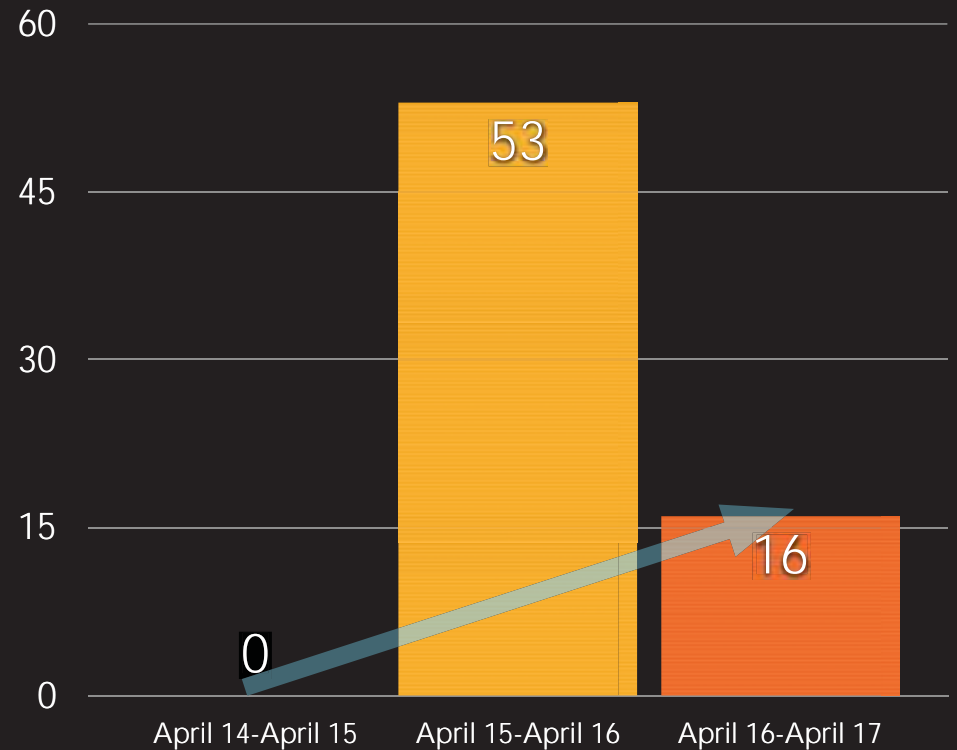
"APPLES TO APPLES" - DUI ENFORCEMENT OPERATIONS OVER 3 YEARS

- A **decrease of 55.73%** following the Extended Bar Hours trial period year-over-year

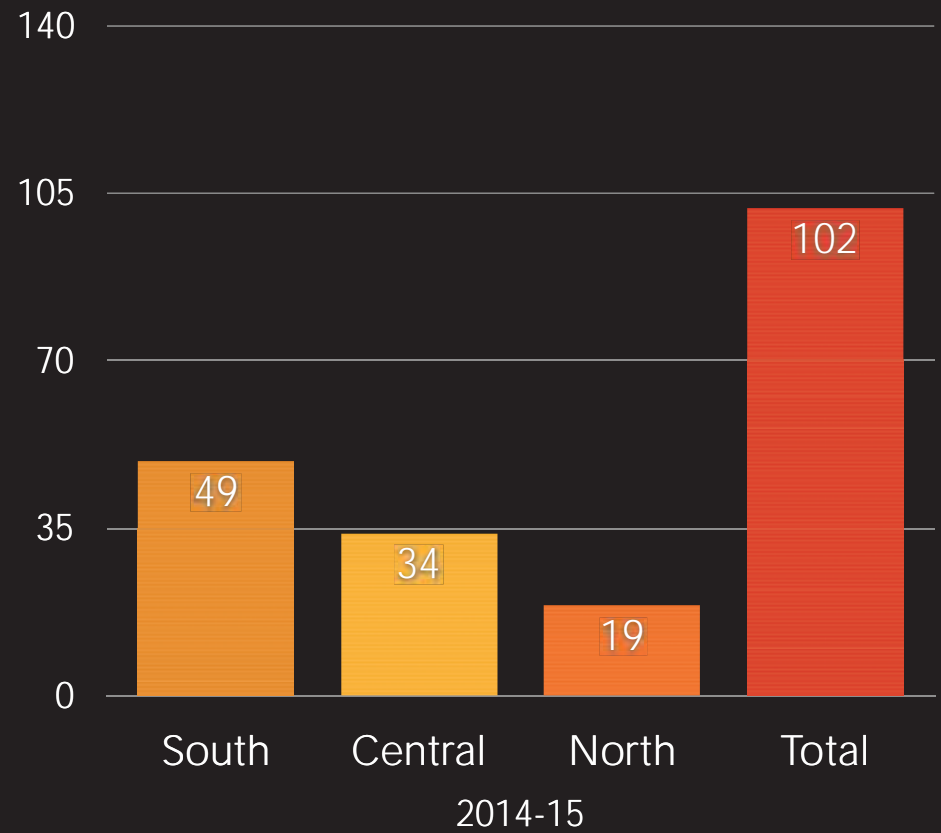


APRIL TO APRIL: DUI ENFORCEMENT OPERATIONS OVER 3 YEARS

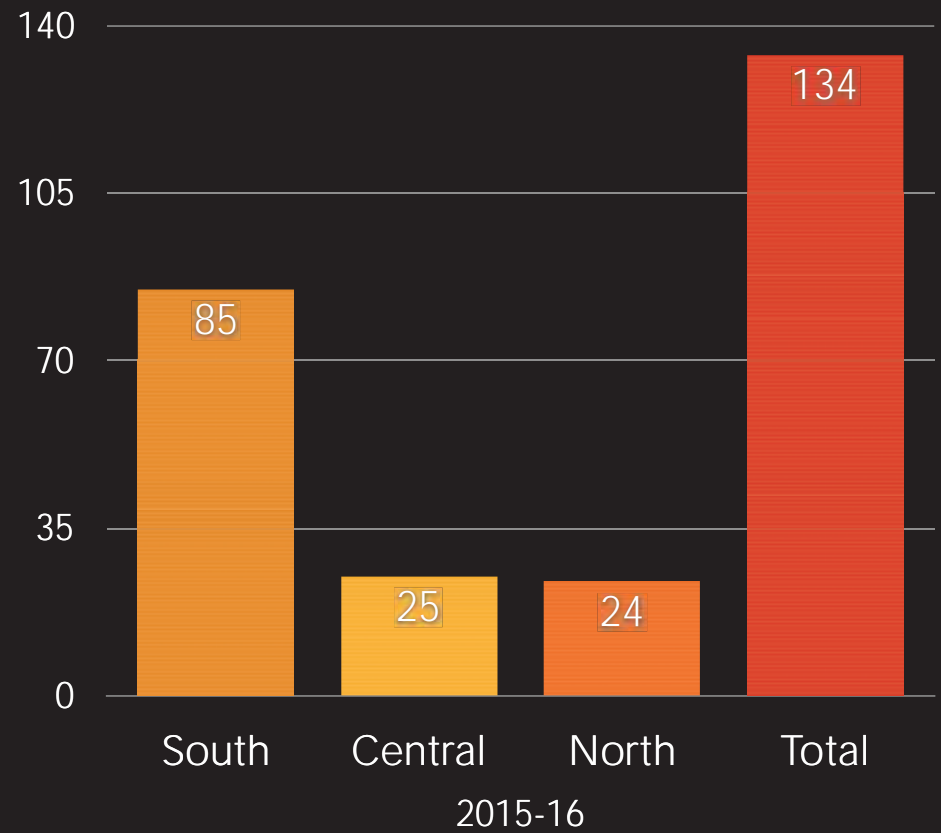
- As shown, there was a significant increase during the Extended Bar Hours trial period.
- A **decrease of 69.81%** following the Extended Bar Hours trial period year-over-year



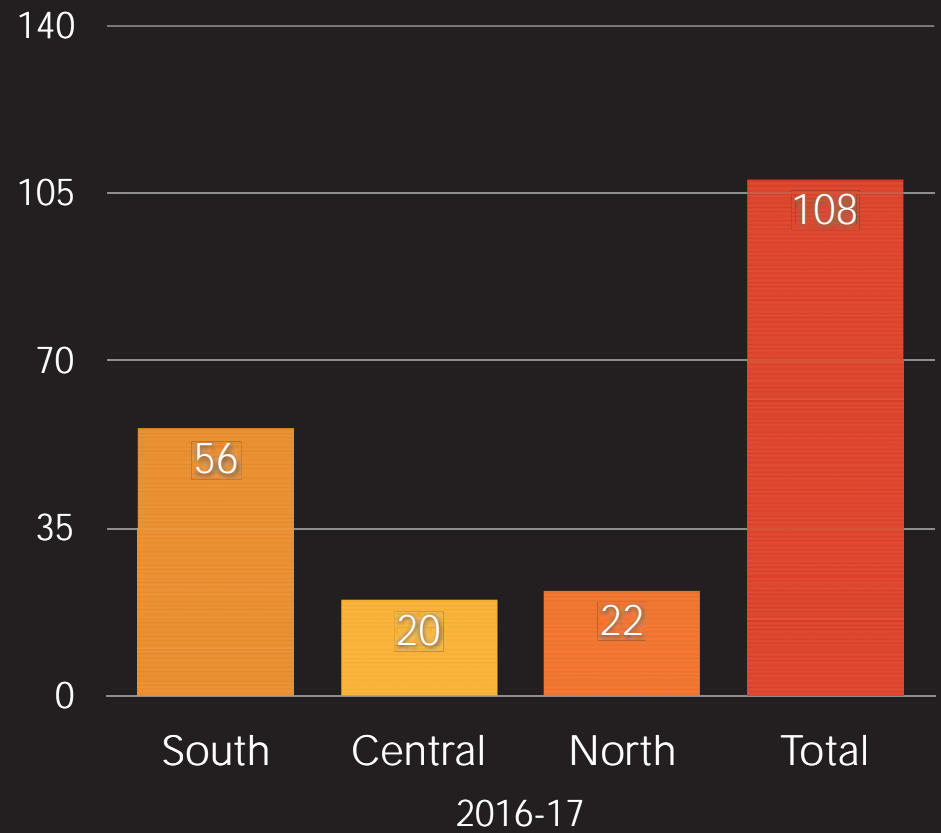
APRIL TO APRIL:
DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY



APRIL TO APRIL:
DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY

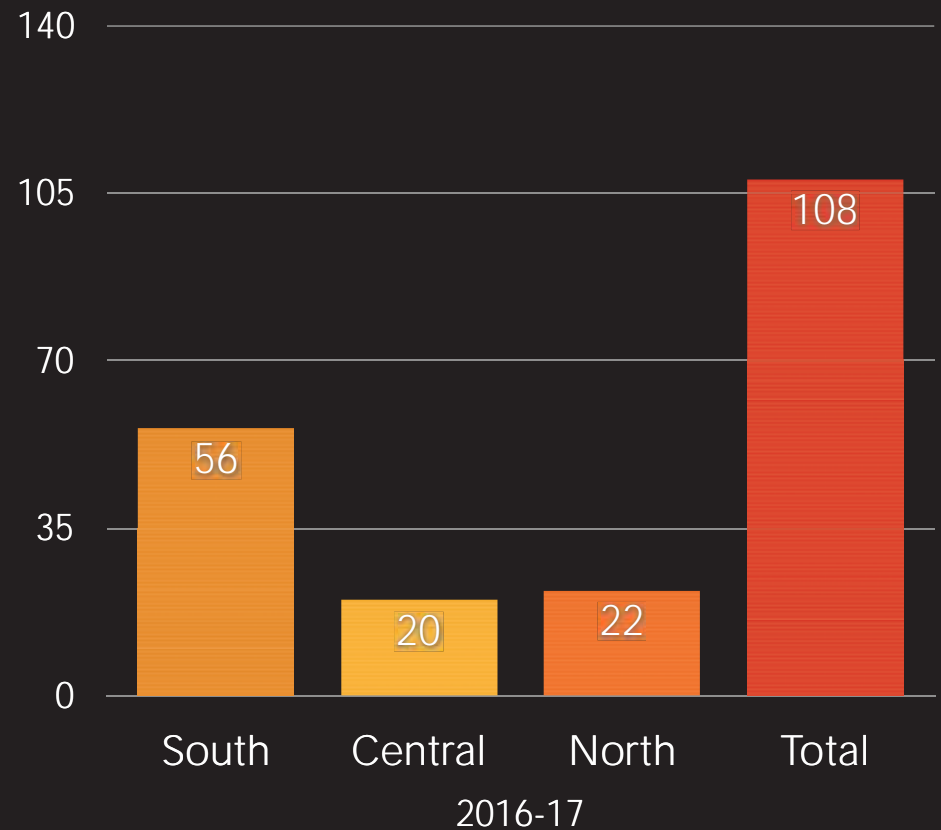


APRIL TO APRIL:
DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY



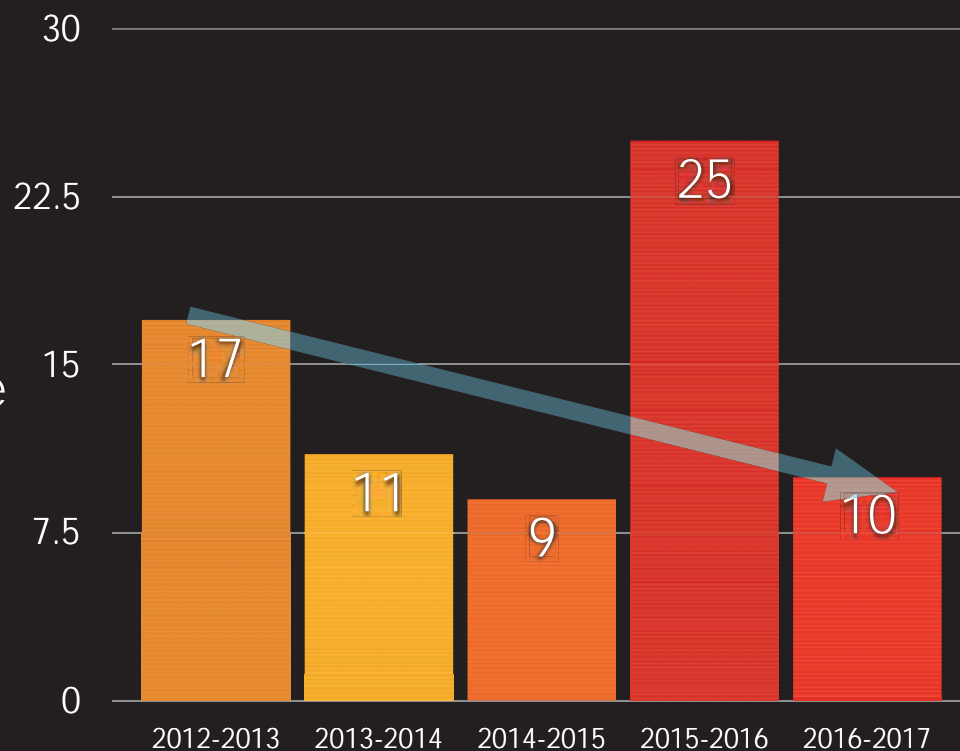
APRIL TO APRIL: DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY

- Encompasses DUI arrests from April-April, year-over-year
- **ONLY** on Extended Bar Hours nights (Friday-Saturday/Saturday-Sunday)
- Total DUIs **increased 23.88%** during the Extended Bar Hours trial period
- Total DUIs **decreased 19.4%** the following year.



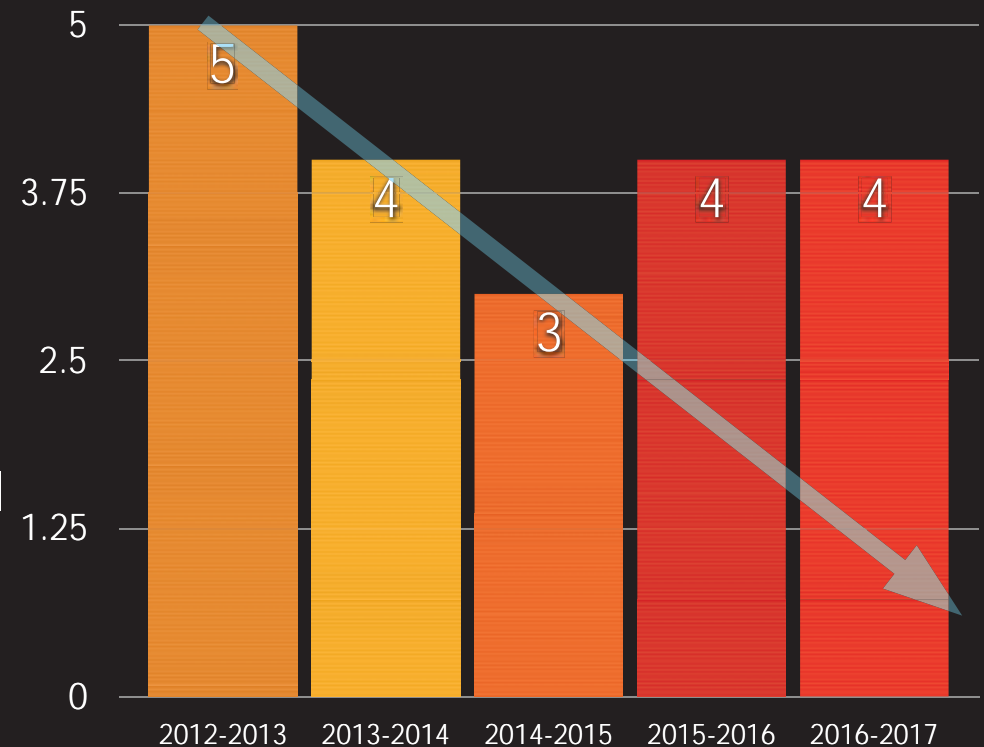
APRIL TO APRIL: DUI CITYWIDE 0400-0800

- An **increase of 177.78%** during the trial period year-over-year



APRIL TO APRIL: DUI CITYWIDE 0500-0900

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



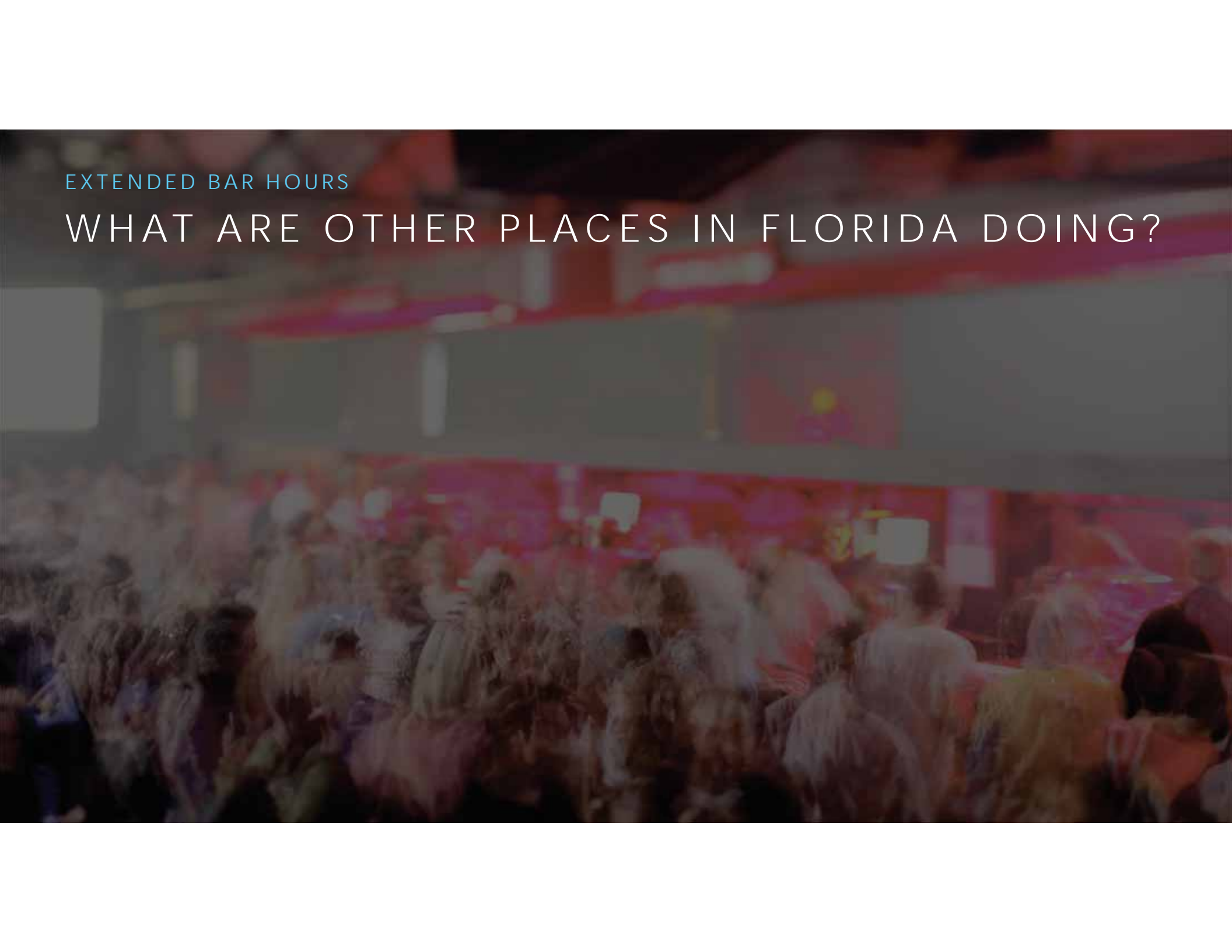
EXTENDED BAR HOURS

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.

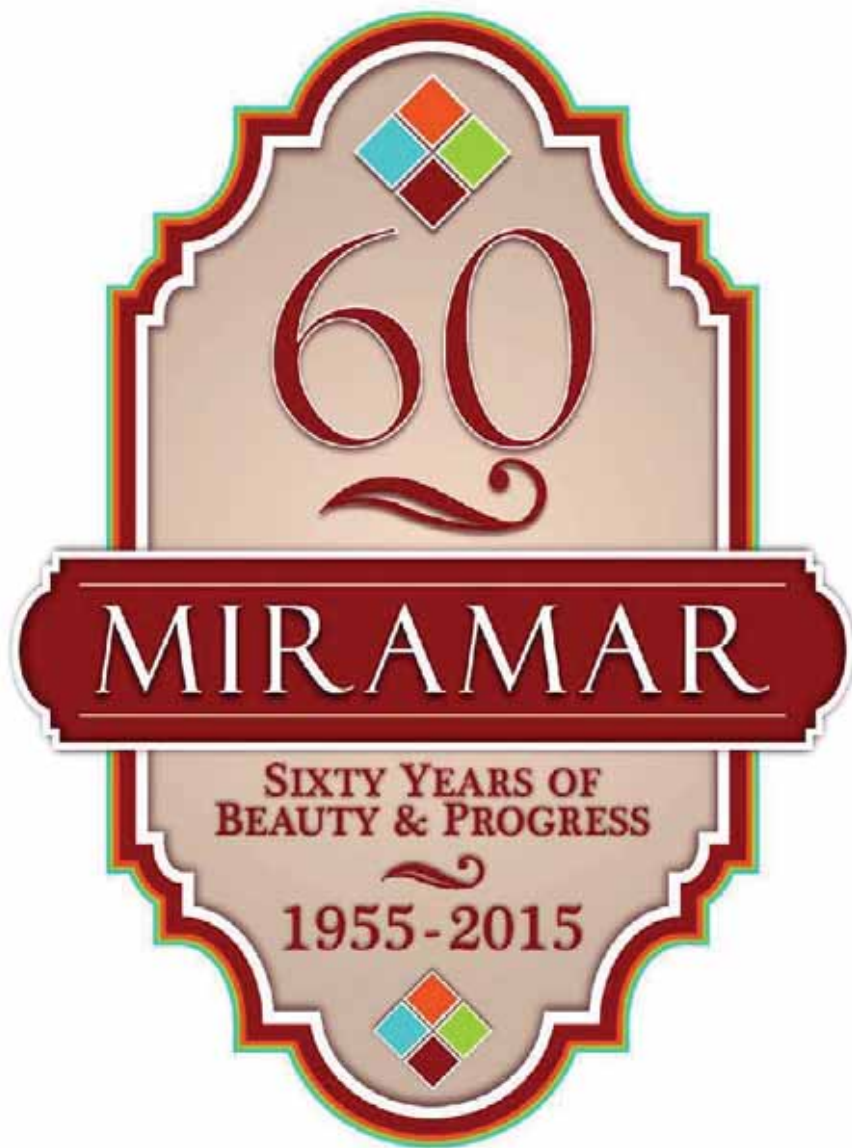


A large crowd of people is gathered at a night event, possibly a concert or festival. The scene is illuminated with vibrant red and pink lights, creating a festive atmosphere. The crowd is dense, and many people are wearing light-colored clothing. In the background, there are structures and possibly 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 additional 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

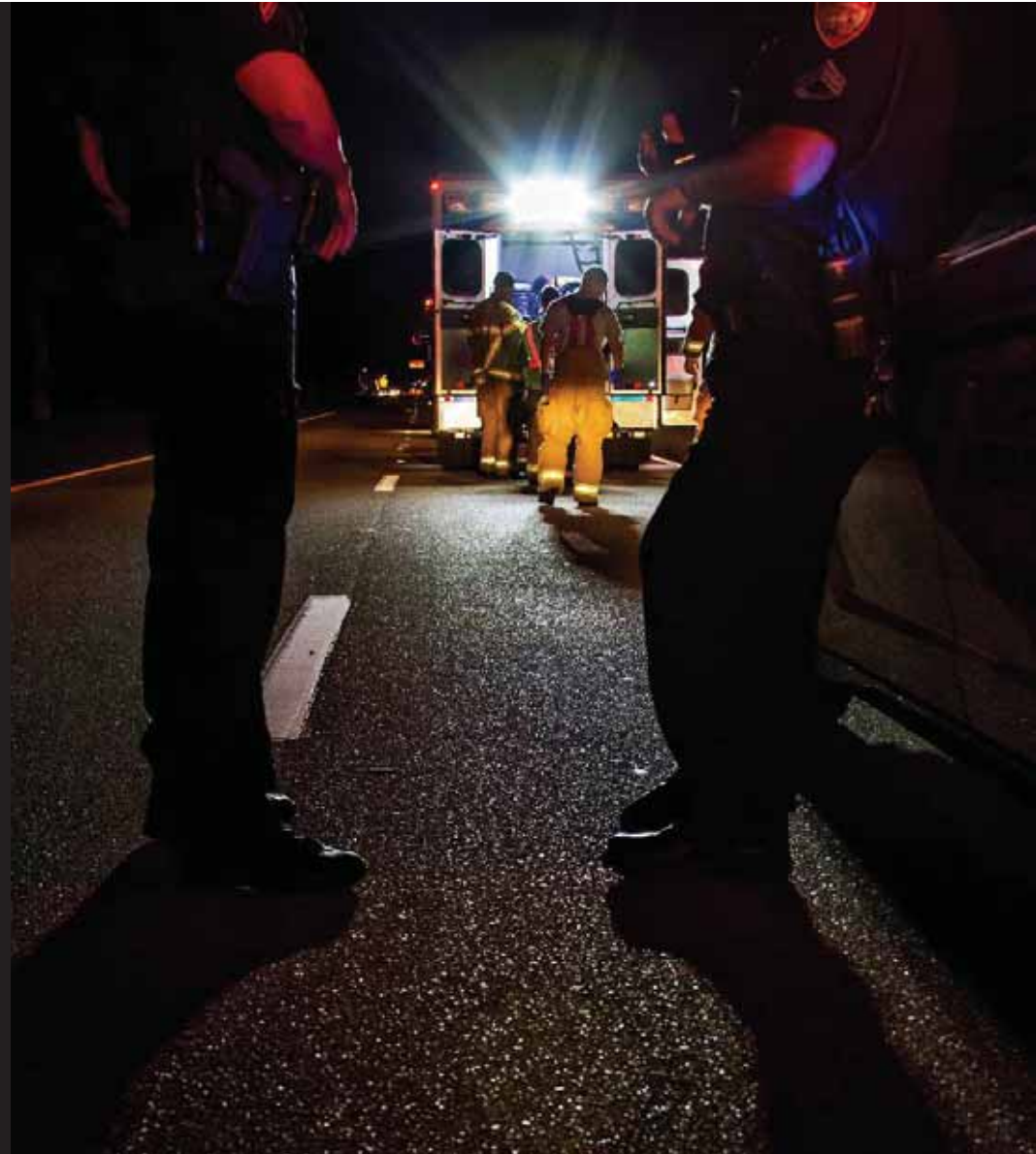


EXTENDED BAR HOURS

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

QUESTIONS?



-----Original Message-----

From: Stacy Lomonaco [mailto:stacy.lomonaco@regions.com]

Sent: Wednesday, March 14, 2018 7:36 AM

To: Helen Ramey <hramey@capecoral.net>; Terri Hall <thall@capecoral.net>

Subject: Today's meeting

Good morning ladies,

Although I am on emergency medical leave, I wanted to be able to weigh in if possible for today's meeting. After careful review of all information provided, I would like to recommend approval of City Ordinance 21-18 as it pertains to reestablishing of the extended bar hours program as it pertains to a permanent program.

Please let me know if you have questions or need further information.

Thank you!

Stacy

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