



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000158

File Number: 000158	File Type: Discussion Item	Status: Passed
Version: 2	Reference:	Controlling Body: Public Safety Committee
File Name: Prostitutes and Drug Dealers on SW 6th Street (B)		Introduced: 10/19/2000
Requester:	Cost:	Final Action: 10/18/2001

Notes: Title: Prostitutes and Drug Dealers on SW 6th Street (NB)

Indexes: Sponsors:

Attachments:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
City Commission	6/26/2000	Referred	Public Safety Committee	12/26/2000	1/31/2002	Pass
Public Safety Committee	8/22/2000	Discussed				

Action Note: Miriam and Noel Lake, Philip and Faye Barton, Priscilla Fernandez, Gary Fernandez, Mike Patel, Sanjay Patel and Bill Cervone spoke to this matter.

GPD staff presented past and current law enforcement efforts in resolving prostitution and drug crimes identified more prevalently in the Kirkwood and SW 13th Street areas of the city. In addition to the approximate average of 89 prostitution arrests per year, GPD has conducted high visibility patrols, undercover stings, trespass of neighboring properties, partnerships with SW 13th Street business owners and neighborhood associations, prostitution photo logs for identification, and a Crime Prevention Through Environmental Design (CPTED) study for increased lighting. Long term strategies include increased media coverage, re-implementation of the Prostitution Mapping Program through support of the local judiciary, use of the City's Padlock Ordinance (currently pending appeal in another Circuit), and stricter penalties through legislative language changes making a third prostitution conviction a felony.

The Committee requested: 1) staff present the stricter penalty language to the City's Legislative Committee for consideration/sponsorship, inviting Assistant State Attorney Bill Cervone to that meeting on 9/21/00, 2) Kirkwood residents be encouraged to write a letter to the Florida Department of Professional Business Regulations requesting enforcement assistance with some of the hotels/businesses bordering SW 13th Street, 3) GRU contacts be provided to the Commissioners for follow-up via Public Works Committee on the CPTED lighting survey in Kirkwood on SW 21st Street, SW 25th Place and an area off of SW 29th, 4) a letter to the Gainesville Sun be drafted requesting their assistance in providing space for publicizing the names of those arrested during GPD prostitution stings, 5) staff continue to work with Code Enforcement and the Community Development Committee toward a revitalization effort of the SW 13th Street area, and 6) GPD continue to work with local judges in re-implementing the Prostitution Mapping Program and use of the stricter penalties as provided under the State Sentencing Guidelines.

Staff will report back to the PSC at the October 19, 2000 meeting.



City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601

Master Report

File Number: 000158

Public Safety Committee 10/19/2000 Discussed

Action Note: GPD staff provided an update on the issues identified from the 8/22/00 PSC meeting. 1) GPD submitted a proposal for strengthening violations of FSS 796.07 Prostitution to the City's Legislative Committee for support and sponsorship to the local legislative delegation. The City approved this item to be placed on their 2001 Legislative Priority list. 2) A CPTED study was conducted that included lighting recommendations for GRU's final approval and action, to be concluded in the near future. 3) A letter was forwarded to the Gainesville Sun requesting they publish the names of offenders as a deterrent to this activity - no response from the Sun has been received to date. 4) An Operational Plan by GPD was presented highlighting nine specific strategies for eliminating prostitution activity in the area of SW 6th Street and 4th Avenue and SW 13th Street corridor from SW 16th Avenue south to the City limits. This item will be retained on the pending referral list, with periodic updates to the City Commission. Once lighting has been accomplished, and/or as new updates are available, this item will be placed back on a PSC agenda.

Public Safety Committee 6/26/2001 Heard

Action Note: GPD Commander Tony Jones, Lt. Ed Book and Lt. Ed VanWinkle presented a video of their recent enforcement and community policing efforts in the SW 13th Street and 6th Street corridor areas. The video demonstrated the clean-up efforts and conversations with prostitutes and business owners. A report on these efforts was provided to the committee.

This item will remain on the pending referral list until after the lighting issue has been addressed. Staff will check to see if the item is pending in the Public Works Committee.

Public Safety Committee 10/18/2001 Heard

Action Note: Gainesville Police Department provided an update on their enforcement and legislative efforts regarding prostitution in the SW area, particularly SW 6th Street and SW 13th Street.

GPD Commander Tony Jones, Lt. Ed Book, Lt. T.D. Welch, Chief Botsford, Assistant State Attorney Jeanne Singer and citizens Susan Stewart, Phillip Barton, Faye Barton and Sara Poll spoke to the matter.

GPD presented a video and handout of recent efforts that included: 1) Legislative initiative to the Alachua County Legislative delegation in September, 2001, 2) Meeting with Senator Rod Smith with police and community members in September, 2001, 3) Arrests made in undercover sting operations, 4) Media efforts through GPD's Police Beat Show devoted entirely to the topic of prostitution, 5) Public dissemination of prostitute and john arrests posted on GPD's web page and 6) a ruling in Miami courts regarding towing vehicles used in prostitution. Commander Jones encouraged citizens to rally their legislative delegation in support of the enhanced penalties.

Commissioners suggested a workshop with local judges for citizens to bring out their concerns and/or asking Commissioners and citizens to write letters to the judges asking that they commit to mandatory sentencing in prostitution arrests. Even if Senator Smith is successful in getting legislation passed that will allow for expanded sentences, it was emphasized that it would take some time before police would even know if the judges are utilizing that increased sentencing allowance. Currently, the courts do not offer drug court for misdemeanor crimes, and this proposed legislation would at least benefit the perpetrator in getting them into a drug court rehab program. There was discussion about publishing the photos of the prostitutes and johns in the local papers and discussion regarding citizens posting those photos that GPD puts on their web page. Some of the media is reluctant to print the names and/or photos, however, the photos available from the web sites can be printed by the public. Commissioner Chestnut suggested looking into the High Springs Herald which prints arrests in their paper. Chief Botsford concluded the presentation by advising that the web posting was a first step and the department will be exploring many other options.



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

File Number: 001081	File Type: Discussion Item	Status: In Committee
Version: 1	Reference:	Controlling Body: City Manager
File Name: Citizens Review Board for the Police Department (B)		Introduced: 11/26/2001
Requester:	Cost:	Final Action:

Notes: Title: Citizens Review Board for the Police Department (B)

Indexes: Sponsors:

Attachments:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
City Commission	3/12/2001	Referred	Public Safety Committee	9/12/2001		Pass

Action Note: Chair Paula M. DeLaney recognized Fraternal Order of Police Chair Jeff McAdams, Reverend Tim Keyes, Citizen Steven Messer and Police Chief Norm Botsford who spoke to the matter.

NOTE: Commissioner Pegeen Hanrahan entered the meeting room at 5:41 PM.

Public Safety Committee 7/17/2001 Discussed



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Action Note: Chair Chestnut advised that the meeting would adjourn at 5:00 p.m., and would be continued if needed. He then asked for a show of hands for those who wished to address this issue. Speakers who wished to speak were asked to fill out the Public Hearing cards, the cards were shuffled and speakers were called to the podium. Speakers were provided three minutes to speak.

The following spoke to this matter:

Phil Cameron, State Chair Fraternal Order of Police
Peter Fire, Fraternal Order of Police, State Representative
Fitz Koehler, Citizen
Kenneth Mack, FOP Florida State Lodge
Ernesto Longa, Citizens for Police Review
Barb Howe, North Central Florida Green Party
Jeff McAdams, Chair, Local Fraternal Order of Police, GPD
Benjamin Hoy
Carol Bishop
Ruth Brown, Representing NAACP
Caryn Mangot, GPD FOP
Michelle Plourde, Citizen
Jorge Campos, GPD FOP
John Franklin, GPD
Steve Schell, Self
Bob Mitchell, Self
Germaine Ferguson, Self
Linda Pollini, Self
Melissa Yonteck
Charles Willett
Ruthie Hale, The Public
Ray Barber, GPD
Steve Baker, FOP
Jeff Blundell, GPD
Beverly Craig, NE Gainesville
Sara Poll
Steve Hach
Willie Ausgood
Doris Farley
Sadie Darnell, GPD
Cheryl Falk, UF/SFCC Campus NOW
Jerry Williamson, Self
Jenny Brown, Gainesville Area NOW
Kali Blount, Ebony Minds
David Stevens, Jacksonville FOP
Scott Camil, Citizens for Police Review
Anita Heard, Public Safety
Theodore Lochwyn
Mac McEachern, Self
Craig Lowe
Bob Rohrlack, Self
Joe Courter, Self
Diana Moss
Nkwanda Jah
Sheila Bishop
Wanda Walker, NOW
Kamili Sefu Haki, Ebony Minds
Michael Adler
Eleanor Loseke, Weed and Seed, Highland Court Manor Crime Watch
Mark Burwell



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Lakenya Walker

The following items were presented to the Public Safety Committee during the meeting:
"Address to the Public Safety Committee, July 17, 2001", by Lt. Carol Bishop

"Citizens for Police Review" Brochure, Proposed Ordinance (Amended July 11, 2001), "Citizens for Police Review Introduction", by Scott Camil, "Citizens for Police Review Background", by Ernesto Longa, "Speaking Out: Black Community Not Heard in Police Matters", by Harriet M. Ludwig

Human Rights 50th Anniversary/Universal Declaration

Address to the PSC, by Michelle Plourde

The meeting was extended to allow for all speakers who had filled cards out the opportunity to speak. With that, the committee determined it was not necessary to call an additional special meeting. The next regular PSC meeting was already set for August 16th at 3:00 p.m. and this item will be continued on that agenda.

Chair Chestnut requested a staff presentation for the 8/16 meeting from Chief Botsford. Commissioner Nielsen requested that the tape of this meeting be provided to the rest of the City Commissioners as soon as practical to give them the opportunity to view the meeting. Commissioners offered that if anyone would like to provide further input or comments they could call, write or e-mail the commissioners. Any materials that citizens would like to be considered should be routed to Marlene Hanna, Staff Liaison to the PSC at GPD or to the City Commission for inclusion in the next agenda packet.

Jeff McAdams requested time at the 8/16 meeting to present a powerpoint presentation, to which the PSC granted and offered the same to the Citizens for Police Review. Note: Mr. Longa requested presentation time for the CPR after the meeting concluded.

Sara Poll asked the PSC if forfeiture funds could be utilized to fund a Citizens Review Board. The PSC asked legal staff to review the forfeiture fund guidelines and report back at the 8/16 meeting.

Public Safety Committee 8/16/2001 Discussed



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Action Note: Chair Chestnut advised that due to the time and the need to end this meeting by 6:00 p.m. the committee would hear staff and citizens for police review presentations first and then the remaining time would be open for citizen comments who had not had an opportunity to speak at the July 17, 2001 meeting.

The Gainesville Police Department provided the following presentations: Lieutenant Ray Weaver, Internal Affairs gave an overview of the internal and external complaint process; South District Commander Tony Jones gave an overview of current police-community committees, boards and associations designed to provide additional avenues for citizens to express concerns about the department; Management Analysis Bureau Captain Sadie Darnell and Personnel and Recruitment Lieutenant Lynne Benck provided a presentation on victims issues and department services designed to assist victims of crime; Personnel and Recruitment Sergeants Bart Knowles and Wayne Ash spoke on hiring and the department's recruitment process; Professional Standards Division Lieutenant Carol Bishop provided an analysis of the types of review boards and the department's response to the referral as a whole; and Chief Norman Botsford gave summation of the department's stance and opposition of the proposed ordinance for a police review board, ending that the Gainesville Police Department is extremely responsible to the community and will continue to do so.

Ernesto Longa, Citizens for Police Review presented responses to the GPD report. He commented on the absence of a citizen-initiated community forum concerning police behavior, policy and procedure. He presented several sections of the proposed ordinance and provided clarification to the sections that had drawn attention in previous presentations. He discussed the issue of subpoena powers as presented in the ordinance, and stressed that inadequate staffing and budget will defeat the purpose of the board. Mr. Longa turned the presentation over to Scott Camil who also provided clarification to some of the questions about the proposed ordinance. He also discussed the police department's definition of "what a complaint is" and "what a complaint is not". He urged the PSC to form a board and establish a mechanism to meet and debate the ordinance, with attorney's present, to come up with something solid that citizens like and police feel they can work under. Mr. Camil turned the presentation over to Kali Blount who expressed concerns with "unwritten policies" of the police department. He mentioned that Orlando currently has a well-functioning citizens board and Miami is working on getting their board started, and further supported the proposed ordinance in Gainesville. Mr. Longa finished the presentation by asking the committee to seriously consider the citizens for police review proposal.

Chair Chestnut recognized State Attorney Bill Cervone (introduced by Black on Black Crime Task Force Chair, Rosa Williams).

Mr. Cervone provided comments on the cost of the proposed ordinance, the efforts of the police department's community policing initiative, law enforcements instinctive reactions and the possible unintended consequences with officers feeling second guessed, the make-up of the board without having the benefit of law enforcement training, and concerns with the proposal for the board to have subpoena power.

Citizen Comment: Those wishing to speak turned in speaker cards and were given three minutes: The following people spoke to this matter:

Allison White, Citizen
Clara Long, Woodland Park
Eldest King, Lake Road
Bob Stevens, ACLU
Shanti Vani, Citizen
Christine Nortz, Citizen (CPR)
David Cassidy, Citizen (CPR)
Richard Simpson, Citizen (CPR)
Beatrice Ellis, Eagle Eye Crime Watch

The following citizens who turned in cards will be given first opportunity to speak during citizen comments at the next meeting on September 20th:



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Bob Hansman, Debbie Martinez, Karen Shields, Trudie Hargrove, Claudia Wright, Valerie Freed, F.P. Peterkin, Fred Harvey. Vincent Mallet, Charles Vocelle, Jim Aikin, Christalee Muller, Arupa Freeman, Jim Konish, Mark Piotrowski, Rob Ogman, Barbara Reed, Sherleen Myhand, Marie Simmons, Cynthia Miller, Rosa Williams, Kali Blount (Ms. Williams did introduce Mr. Cervone but did not speak for herself and requests the three minutes at the next meeting. Mr. Blount is shown as having spoke at the 7/17/01 PSC meeting.)

Commissioner Chestnut indicated he did not know if the PSC will debate the ordinance at the next meeting or not. Additionally, item #2, "hear from legal staff on forfeiture fund guidelines as a possible funding source", was not heard and will be deferred to the next meeting.

This item will be scheduled again for the September 20th, 2:00 p.m. agenda.

Public Safety Committee 9/20/2001 Discussed



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Action Note: 1) Continuation of citizen comment: Public Hearing Cards held over from the August 16th meeting were read first in the order originally taken. Other citizens, who had not had an opportunity to speak to this issue were invited to fill out cards to speak. The following people spoke to this matter:

Debbie Martinez
Karen Shields (also presented materials to the record)
Teresa Harrison, Director -Peaceful Paths
F.P. Peterkin (also presented materials to the record)
Fred Harvey
Vincent Mallet
Jim Aiken
Nancy Regar (also presented materials to the record)
Emily Browne
Charles Grapski
Michael McCray
Jeanne Rochford
Natalie Hanan (also presented materials to the record)
Mike Pokriefka (reading letter for Dr. John Boyle)
Dollina Clements
Nedra Price
William Wilson
Alanna Kibbe
John Johnston
Patricia Hilliard-Nunn

2) Assistant City Attorney Ron Combs advised that Law Enforcement Contraband Forfeiture Trust Funds (LECFTF) are not available for the purpose of funding a police review board. He noted that 15% of the funds can be allocated to crime prevention programs, such as School Resource Officers and drug education. The remainder has to be utilized for police activities. He stated that it was his opinion that this (board) would not be considered an activity of the police department.

3) Commissioner's Comments: Commissioner Chestnut remarked that the PSC has heard from many citizens in these meetings and through e-mail, as well as from the Black on Black Crime Task Force, has received presentations from staff and the Citizens for Police Review and has seen, as part of the committee's back up, other types of review boards, however, he has not received the cost factor. He added that funding is a big consideration for him, especially with quality of life issues in his district still being priority and in need of funding. He commented that this meeting is not the final meeting for the PSC to make a recommendation, and in fact, he feels that after just completing citizen input, the committee is now at the phase to begin the work. That work could include asking if there is a compromise between the CPR and GPD, what is best for the community, what does the committee like or dislike about the ordinance, and like or dislike about a police review board?

Commissioner Nielsen stated that he has met with many citizens and officers on this issue and received different perspectives, committed to searching for the best outcome. He suggested a hybrid of pieces from various proposals that were presented. He spoke of the evolution/revolution of GPD and their community policing efforts over the past few years that has given many of the neighborhoods a feeling of ownership with their police department. Even with that momentum, he suggested that most citizens feel unnerved to go the police department to file a grievance against an officer. Commissioner Nielsen proposed an ombudsman, who could be an interface between the city and citizens, with knowledge of how the city works who would assist the citizen in getting help. He suggested that the ombudsman could work under one of the Charter Officers (perhaps the Auditor), outside of city hall, receiving complaints and facilitating the process. He suggested the process could entail having the ombudsman refer those issues to a citizens/police roundtable. The roundtable could be comprised of elected officials, UF student body, neighborhoods from the north and south, alternative cultural groups, civic media center representatives, the defense attorney's professional organization, state attorney's office, faith based organizations, and including representatives from GPD, such as the North and South District Commanders. These meetings would be publicly noticed and have agendas. The ombudsman



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

would take the citizen to the table and formalize the presentation to allow an exchange. GPD could respond immediately, if they can, or be provided time to review and come back. If the issue needed to go to Internal Affairs it would. Commissioner Nielsen was unsure at this point in the process what the next recourse would be if the citizen was not satisfied with the return explanation. He concluded that he feels this approach is worthy of consideration, adding if that didn't work, then that's the opportunity to consider a more formalized process.

Commissioner Chestnut provided an example of a National Cities Weekly publication that involved a community study with the police department as one of many participants and suggested those were the type of discussions that were now needing to take place. He invited the Chief and Mr. Bowers to comment.

Chief Botsford indicated that he would need to consider these suggestions and take time to review the potential legal ramifications of that type of process with legal staff. Mr. Bowers remarked that he and the Chief would work together and bring in budget staff, as most everything mentioned would have a budget impact. Mr. Combs echoed the Chief's comments that some of the ramifications to this type of process would have to be looked at as it relates to the Officers Bill of Rights.

Commissioner Chestnut invited audience members who had other suggestions to the podium. Some of those comments included, asking the PSC to move forward with making a recommendation, a request for Commissioner Nielsen to provide his suggestions in writing, and cautioning to protect the independence of the board. Scott Camil, CPR spoke that the budget is a very important part of the the review board. He also stated that they (CPR) are willing to sit down at a table to discuss the ordinance point by point and that they are prepared to compromise. He further suggested the atmosphere in the auditorium wasn't conducive to that type discussion.

The Commissioners were in agreement that future meetings should be moved to a more informal setting, in Room 16, City Hall. This item will be placed on the October 18, 2001 agenda.

Public Safety Committee 10/18/2001 Discussed



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Action Note: Discussions on this item continued with the following people who spoke to the matter: Jeff McAdams, Benjamin Hoy, Bill Dantschisch, George Hachigian, Ernesto Longa, Charles Grapski, Ron Combs, Norm Botsford, Scott Camil, Sara Poll, Debbie Martinez, Anita Heard, Steve Hach, Ray Weaver, Keith Kameg.

Chair Chestnut started discussions by summarizing the previous three meetings held, including the ordinance that was presented at the first PSC meeting, staff's response to that ordinance at the second meeting, and comments from many citizens and speakers. Commissioner Nielsen had suggested consideration for an ombudsman during the last meeting. The committee had asked that any other ideas or suggestions be brought out at this meeting, and further had requested that staff provide an estimated budget for the creation of a citizens review board (based on the ordinance presented). The City Manager provided the budget sheet that staff prepared, showing a total projected first year cost as \$240,076. There was some discussion regarding the budget. Chair Chestnut concluded his opening comments by asking that participants in this process look at the issue fairly, logically and with consideration for the economic impact, as well as understanding of the Officers Bill of Rights and how that impacts what can and can't be regulated.

Commissioner Nielsen's opening comments included his reiteration that GPD has moved to higher levels of community oriented policing in this past year and a half and is significantly an above-average police department, with well- educated, well-rounded and thoughtful members. He noted the difficulties in recruiting and the need for the department to maintain that same level of professionalism into the future. He referred to a document that some staff members drafted for consideration, but asked to hear from the public and others before presenting that draft.

Members of the Fraternal Order of Police Union spoke and asked what the justification for establishing a review board would be. They also stressed that much of the ordinance dealt with public records that could not be made available during an active investigation and other sections of the ordinance that were in conflict with the bargaining agreements. Legal staff added that the ordinance speaks to the police department providing documents that would be discussed during their public meetings, yet these documents cannot be public record until the active investigation has been concluded. Witnesses are also prohibited from discussing any part of an active investigation and therefore could not go before a review board until after the investigation is concluded. Additionally, any investigation that could result in discipline must be conducted in accordance with the Officers Bill of Rights. Staff also advised that once the investigation has concluded, those documents can be made available to the public.

Members of the Citizens for Police Review who spoke, asked that the proposed ordinance be brought out on the table and discussed as they felt it was the central component of any dialogue. They also commented that over 100 citizens attended these public meetings in support of the proposed ordinance, that there are citizens who are afraid of police and/or are afraid to file complaints against police and that the proposal is about providing good government and good policing. They also noted that they utilized a former commissioner and an attorney to help draft the proposed ordinance, yet they acknowledged that there are some areas such as bargaining they are not familiar with, but would be willing to discuss as they go through the ordinance in these discussions.

There was discussion regarding whether the CPR should review every case (complaint) going to I.A. or whether the complainant should be allowed to decide after the conclusion of the I.A. whether they want the CPR to review the case. Speakers for the CPR suggested there would be many functions of the board, including identifying problems. There was discussion about 5th Amendment Rights and compelling testimony and the fact that I.A. can compel testimony, however, outside entities cannot.

Commissioner Chestnut commented about some of his concerns he had with the ordinance such as prohibiting certain people from serving on the board, the city reimbursing the board members, the budget, and appointment of subcommittees which could result in more costs.

After considerable further discussion, FOP leadership stated that the committee should deal with the legal issues first, and recognize that any attempts by the city that would conflict with bargaining



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

agreements would be met with FOP intervention. They also suggested that any review should/could be done after the conclusion of the I.A. investigation when the I.A. is a matter of public record. Members of the CPR noted that they have made some changes to their original draft ordinance that they would like to bring out and suggested they be discussed now to see what of the ordinance can be agreed to and what can't. The CPR also commented that they attempted to stand on the principal right for the independent citizens to have a review of police and that their intent is to comply with existing laws.

Commissioner Nielsen read draft documents, prepared by staff, presented by the City Manager titled "Alternative Police Complaint Initiation Process" and "Police Complaint Appeal Board". The Manager noted that these are two separate processes, and that a citizen could use the initiation process, even if they didn't want to use the appeal board. He added that it is an attempt to take positions from both sides (GPD and CPR), it has not been reviewed by the City Attorney, but it could be a starting point for further discussion. Commissioner Nielsen asked for a report back from the City Attorney (comments to these documents) at the next PSC meeting.

Some of the discussion points from staff, PSC, CPR and FOP surrounding these two drafts included:

- * Whether citizens serving on the board would be required to be drug tested?
- * Training similar to what officers must attend should be required for those serving.
- * The "Alternative Proposal" appears to be the same thing as GPD's proposal.
- * Currently the EOD reports to the City Manager, however, the City is working toward that position becoming a Charter position, reporting to the City Commission.
- * The documents don't address the grievance procedure per collective bargaining. In discipline, the final decision is with an arbitrator.
- * The document excludes the principal of the citizens review by eliminating that neutral perspective that didn't get picked up during the IA, i.e., what does the complaint reflect, not just the actual complaint.
- * The CPR are already obtaining closed IA investigations and are conducting their own "audit" and have found errors in investigations that they are willing to share.

Commissioner Chestnut asked that the next PSC meeting be scheduled for three hours. He stated he would like to talk more about the ordinance that he has concerns with and thinks the FOP, Chief and CPR have things to voice again.

Commissioner Nielsen related that he would be working from this draft "Alternative Police Complaint Initiation Process" and "Police Complaint Appeal Board" as it allows him the greatest level of comfort and an opportunity to move forward.

Staff and citizens were asked to make recommendations on the documents and return to the next meeting with any comments. This item will be placed on the November 20, 2001, 2:00 p.m. agenda, with no other items.

Public Safety Committee 11/20/2001 Recommended for
Approval



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Action Note: The following spoke to this issue:
Dr. Frederick Shenkman
Charles Grapski, CPR
Steve Hatch
Benjamin Hoy
Scott Camil, CPR
Kali Blount
Jeff McAdams, FOP
George Hachigian, FOP
Ron Combs, CAO
Michael Coviello, FOP
Cpt. Robert Mitchell, GPD
Diane (last name unknown)
Dorrie (last name unknown), Gville Apt. Association
Fred Harvey
Keith Kameg, GPD

Commissioner Chestnut asked UF Professor Frederick Shenkman to speak to the issue. Dr. Shenkman's vitae was provided.

Dr. Shenkman spoke of his concern with what he has heard of the last several months of discussions surrounding the issue of a citizens review board for the police department. He made these points: Everyone wants the best law enforcement for Gainesville, but how best to approach that and the focus that should take seems to be lacking. He posed these questions: Are there truly significant problems at GPD? If they are not obvious, move on. If there are problems, are these problems simply endemic in law enforcement, such as clearance rates of crimes-(that's endemic in law enforcement)? If, there are unique problems related to GPD, or the degree or kind that one might reasonably expect from this police department, unless one answers those questions, time spent on this issue is not well spent energy. If there are unique problems, that is not a smoking gun, necessarily. With 20,000 law enforcement agencies in the U.S. and every city wanting their own style of policing, there may be some unique issues to GPD, but that doesn't suggest an end run. Are there mechanisms in place that can best deal with those issues? Right now, those mechanisms in Gainesville include, the Chief of Police, the City Manager and City Commission, the State Attorney, Grand Jury, Florida Department of Law Enforcement, Criminal Justice Standards and Training Commission, FBI, and local defense attorneys. If the unique problems are not addressed by those present mechanisms, are there other things such as reassignments in the police department or new or additional personnel, or one solution might be a civilian review board? However, to jump to that end without asking these questions is putting the cart before the horse. Dr. Shenkman noted that there is always room for improvement but to suggest there is something wrong when the questions haven't been answered is not the right focus. He added that any government agency should constantly be reviewing itself, but the questions posed should be answered and answered carefully by people who know what they are doing. He also added that receiving public input should be sought and taken seriously but that's not a review board, and further that if GPD or any agency receives a lot of complaints it may mean that the department is open to receiving complaints and citizens feel comfortable doing that, but again the question remains, are the complaints valid or justified. Dr. Shenkman ended with the reiteration that the questions he posed should be answered first.

Scott Camil presented an amended ordinance on behalf of the citizens for police review. Mr. Camil provided the changes to the ordinance and noted that they tried to take into account many of the concerns raised during the October PSC meeting. He added that they listened to law enforcement at the last meeting, but noted that the attorneys (FOP and CPR) are at odds with what law enforcement stands firm on in the Officers Bill of Rights.

FOP Vice Chair Jeff McAdams showed a 20 minute video of the Florida Criminal Justice Standards and Training (CJST) Disciplinary Hearing procedures for law enforcement officers.

Charles Grapski presented three documents for discussion -"Considerations on Part VI, Chapter 112



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001081

Florida Statutes...", a letter regarding questions posed to Ron Combs, and a memo from the Office of the State Attorney, Mark E. Kohl regarding receipt and processing of complaints. Mr. Grapski spoke on his assessment of the FSS 112.533 and his opinion that it (section) was declared unconstitutional in 1990 and that the objections raised do not preclude the city from adopting the proposed ordinance. Mr. Combs and FOP Attorney Michael Coviello responded to this and other issues raised by Mr. Grapski.

There followed much discussion and respectful debate about the opinions of whether the city or a civilian review board had the authority to compel testimony from an officer or witness, how the issue of confidentiality in discipline cases could be addressed, the foreseen problems with discipline timelines as required to be met under the collective bargaining agreements, of perceptions of violations of the Officer's Bill of Rights in the language of the proposed ordinance and in the other proposal drafts that have been presented to date.

Commissioner Chestnut presented his draft of a "Citizens Advisory Review Board", utilizing a compromise to both the proposed ordinance and the other proposal presented by Commissioner Nielsen at the 10/18/01 PSC meeting. After continued dialogue on this draft, and hearing no real consensus among the participants in the meeting, Commissioner Chestnut offered that perhaps the recommendation to the Commission should be to hire an independent consultant to review the police department's internal affairs, personnel, and training divisions and policies and procedures. He suggested that an outside consultant could look at the issues in a constructive manner. He related his agreement with Dr. Shenkman's earlier points and the need to first identify if there are problems at GPD. Finally, Commissioner Chestnut related his feelings that this was the first of five meetings on this topic where he felt there was a good exchange of information and suggested that this dialogue continue.

The Public Safety Committee's recommendation to the City Commission at the 11/26/01 meeting: the City Commission hire an outside consultant to conduct a comprehensive review of the Gainesville Police Department's performance and procedures, and at the same time, allow the continuation of dialogue of Commissioner Chestnut's draft document, through the Public Safety Committee.

City Commission 11/26/2001 Referred City Manager 5/26/2002 Pass

Action Note: NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Hanrahan in order to make the following motion:

FIRST MOTION (REFERRAL): Mayor Bussing moved and Commissioner Nielsen seconded to direct the City Manager to: 1) Report back to the City Commission on the feasibility and cost of possibly hiring a consultant; and 2) the City Manager also come back with a report on the feasibility of establishing an alternate routing of complaints about the Police Department.
(VOTE: 5-0, MOTION CARRIED)

Chair Pro Tem Hanrahan recognized Citizens Liz Fetty, Charles Grapski, Pam Armagost, and Jeff McAdams who spoke to the matter.

City of Gainesville Chief of Police Norman Botsford gave a presentation.

NOTE: Mayor Bussing re-assumed the gavel after the previous motion.

SECOND MOTION: Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Hanrahan seconded to allow the continuation of dialogue of Commissioner Chestnut's draft document, entitled "Citizen Advisory Review Board" by retaining this referral with the Public Safety Committee (Recommendation 2).

The Chair recognized Citizen Charles Grapski who spoke to the matter.
(VOTE: 5-0 - MOTION CARRIED)



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001688

File Number: 001688	File Type: Discussion Item	Status: Passed
Version: 1	Reference:	Controlling Body: City Commission
File Name: Community Alcohol Committee (NB)		Introduced: 8/13/2001
Requester:	Cost:	Final Action:

Notes: **Title:** Community Alcohol Committee (NB)

Indexes: **Sponsors:**

Attachments:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
City Commission	8/13/2001	Approved as Recommended				Pass

Public Safety Committee 1/17/2002 Discussed



City of Gainesville

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Master Report

File Number: 001688

Action Note: The University of Florida (UF) Committee on Alcohol and Other Drug Education and Policy was invited to address the committee on what action they were seeking from the PSC.

The following spoke to this matter: Lohse Beeland, UF Alcohol Committee; Tavis Glassman, UF Alcohol Committee; Gene Zdziarski, UF Dean of Students; Heather Young, UF; Daniel Skiles, FSU Partnership for Alcohol Responsibility; Laurie Davidson, Higher Education Center for Alcohol and other Drug Prevention; Gwen Love, Corner Drugstore; Jared Hernandez, IFC at UF; Tom Fox, Citizen; Cmdr. Rick Hanna, GPD; Toni Muzzonigro, Students Against Destructive Decisions; Michele Bryant, Alachua County Office of Victim Services; Debbie Martinez, Families Against Drugs; Billy Lamb, Tampa PD; Lt. Scott Meffen, GPD; Heath Wintz, UF Students; Cpt. Gainey, ASO; Natalie Hanan, UF Student Lobby Director; Cpt. Sadie Darnell, GPD

Lohse Beeland, UF Committee on Alcohol and Other Drug Education and Policy presented the purpose of the request to address the PSC (attached document read by Ms. Beeland). The UF Committee on Alcohol was formed in response to the 1999 Gainesville Alcohol Abuse Prevention (GAAP) Committee and has been meeting since March 2000 to address alcohol abuse by students as a health and safety issue. Many of their recommendations in the past two years have been implemented, e.g., social norms campaigns, training, stronger enforcement of alcohol violations on campus and increase in alcohol free programming and entertainment on campus. The Committee has worked with the Higher Education Center, which addresses alcohol issues on college campuses, and invited several guests from FSU and the Center to speak at this meeting. Their assessments and surveys have shown a need to look at irresponsible drink specials, i.e., cheap drinks that encourage fast and high volume consumption. The effects of regulation of drink specials would carry over to all citizens, not just campus students. As an example of that overall safety, Ms. Beeland pointed out the success of the GPD's Party Patrol in controlling large parties. The Committee is requesting possible assistance: 1) in the support of regulation of irresponsible drink specials and a review of events such as graduation drinking programs; 2) in support of Party Patrol that has a grant for a limited time; full funding and/or significant support is encouraged; 3) by participating in education via tools such as GRU Newsletter and possibly in other city promotions; and 4) by being more diligent in the enforcement of the age 21 drinking laws.

Tavis Glassman, UF Committee followed up by discussing the agenda packet documents on policy change that included 24 states having enacted laws or regulations that prohibit or limit drink specials, laws in other states that prohibit or limit "two-fers", "happy hours", "ladies nights" and "beat the clock", and the Tallahassee Partnership for Alcohol Responsibility Coalition ordinance proposal that would mandate bar closure at 1:00 a.m. if operating irresponsibly, i.e., promoting or permitting drink specials.

UF Dean of Students Gene Zdziarski, although not a committee member, spoke that this issue is clearly a problem in most major institutions, and encouraged targeting those issues such as promotions that can help.

Several students spoke of personal knowledge of underage students being served in both bars and restaurants and of the numerous drink specials that seemingly cater to the student population. They spoke of the significance of not being carded, or being carded, underage, but still being allowed entry.

Daniel Skiles, FSU Partnership for Alcohol Responsibility spoke of the proposed ordinance being drafted by a Tallahassee commissioner that would offer an extra hour of operation to retail alcohol establishments that adhere to a higher set of regulations and take away an hour from those that didn't. He offered to put the PSC in contact with the commissioner drafting the ordinance.

Laurie Davidson, Higher Education Center works with campuses and encourages them to work with their communities with a focus on changing the environment. She suggested the students get mixed messages about drinking, and communities should look at limiting access to alcohol (which involves the pricing and promotions), evaluate campus policies and community laws, encourage volunteer opportunities for the students and perhaps look at academic schedules, e.g., night classes. She cited University of Albany and San Diego as good models on a national level and suggested that some



City of Gainesville

Master Report

City Hall
200 East University Avenue
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File Number: 001688

campuses are going totally alcohol free. Mr. Skiles added that FSU has placed tougher penalties on violators and are making fraternity officers more responsible for the actions of their members and abolishing open parties.

Ms. Beeland and Dean Zdziarski pointed out that there are 540 student organizations at UF and no one fraternity should be singled out as having a problem over another.

Gwen Love, Corner DrugStore presented a letter of support from the PIPSA organization, supporting this discussion of a legislative initiative. She shared that underage drinking in middle and high schools remains a concern.

Jared Hernandez, UF IFC stated that students recognize certain drink specials are irresponsible and further that they are not pushing for total elimination of all drink specials, just those that promote irresponsible drinking.

Tom Fox, former ABC owner spoke of the responsible vendor training program and the tremendous liability to the owner that serves underage drinkers. He pointed out though that underage drinkers can still get a bottle and drink at home for 20 cents a shot, even if they don't go to a bar and get served. He added that there are already laws in place for enforcing underage drinking and training available for spotting a fake i.d.

There was much discussion from those present about the variation from one bar to the next or one restaurant to the next on how they card, how they identify those that can enter but can't drink, etc.

Michelle Bryant, Victim Services spoke of the other crimes that occur as a result of binge drinking, underage drinking - sexual batteries and assaults. Debbie Martinez noted the comments made by the medical profession several years ago during the Rave discussions.

Officer Billy Lamb of the Tampa Police Department stated that his agency deals with the same issues. He spoke of the strong enforcement efforts on underage drinking and provided a demonstration of an identification scanner that his department uses. They currently have four scanners at a cost of approximately \$2500 each. He noted they are also considering requiring admission to nightclubs at 21 and up. Lt. Meffen, GPD stated that GPD does the same enforcement as Tampa, however, does not have the id scanners. (ASO does not have scanners either, per Cpt. Gainey). GPD works closely with ABT on initiatives. He also noted that all student arrests are reported to UF. Dean Zdziarski reminded that there are restrictions on the actions that UF can take with regard to students on off-campus issues.

Commissioners indicated they would like to hear from the bar owners about the drink specials to get their input. (They will be invited to the next meeting).

Ms. Davidson commented that it is important to have better data, such as where the students get their alcohol - at bars, restaurants, from someone over 21, from someone under 21; and then the committee can operate from an informed point of view.

Natalie Hanan, UF Student Lobby Director presented a memo of proposed alcohol policies, and suggested a group of people from various agencies meet with law enforcement to identify all the problems associated with this. Cpt. Darnell noted that the GAAP committee did all of those things a few years ago, and came up with a comprehensive list, noting it was not specifically just a law enforcement issue, but a social issue as well.

Commissioner Nielsen asked that GPD staff and Ms. Beeland's staff come back to the PSC with underage drinking and false identification statistics, as well as strategies the committee might use on drink specials in retail establishments. Commissioner Chestnut asked staff to provide information on funding possibilities for i.d. scanners (similar to what Tampa PD presented), and asked to direct the City Attorney to look at what legal parameters the city may be able to use in considering the regulation of drink specials (looking at Tallahassee's proposed ordinance as well).
(At the end of the meeting, Commissioner Chestnut also asked for middle and high school alcohol use



City of Gainesville

Master Report

City Hall
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File Number: 001688

data for the next meeting, as mentioned by CDS Gwen Love).

This item will be continued for discussion at the February 21, 2002, 3:00 PSC meeting.

Public Safety Committee 2/21/2002 Discussed



City of Gainesville

City Hall
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Gainesville, Florida 32601

Master Report

File Number: 001688

Action Note: The following spoke to this matter: Lohse Beeland, UF Alcohol Committee; Commissioner Steve Meisburg, Tallahassee City Commission; Heath Wintz, Students for Sensible Drug Policy; Ted Kubisek, Full Circle Nightclub; Norman Botsford, GPD Police Chief; David Salter and Robert Zeller, Grog House; Martina Emmerson; Jeremy Kennard, UF Employee; Heather Young, UF Student; Matt Pagano, WRUF; Kyle Jones, Student Government; Tavis Glassman, UF Alcohol Committee; Gene Zdziarski, UF Dean of Students; Patricia Quittrim, Calico Jacks; Steve Hatch; Frank Villante, Swamp Restaurant; Sgt. DeCoursey, ASO; Natalie Hanan, UF Student Lobby Director; Mike Strange, Brick City/Orbit; Harold Saive; Debbie Martinez; Randy Brooks, Eddie C's.

Lohse Beeland, UF Alcohol Committee reiterated the UF committee's purpose in working with the city in reviewing legislation of drink specials that could reduce high risk drinking and consideration for implementing the Florida Responsible Vendor Act. Their committee had been tasked with returning to the PSC with statistics on underage drinking and false id's. Although very few statistics for underage drinking were available, NCHA data was used to determine the extent of underage drinking and that data showed there appears to be no meaningful difference between underage and of age drinking in terms of prevalence. The University Police Department and Student Judicial Affairs do not maintain data specific to use of false identification, however, they did find there were 517 alcohol misuse cases and 35 DUI on campus arrests last year. With regard to other strategies, the UF Alcohol Committee suggested the city consider criteria that would address the drink specials that encourage binge and high risk drinking as well as review of the Florida Responsible Vendor Act (attached to the PSC agenda). Ms. Beeland reported that a student forum was held on campus last week that included good dialogue on both sides of the issue, and that future such forums would be held. A number of students in attendance were supportive of some form of regulation.

Tallahassee Commissioner Steve Miesburg spoke of a committee he chairs in Tallahassee and the work and research they have done as it regards this topic. With statistics from Harvard and other resources, he believes nothing short of regulation will help. It is his feeling that the only tool in Florida is the hours of operation (of alcohol establishments) and the proposed ordinance that C/Meisburg is proposing is calling for establishments to live by higher standards. For those who are responsible vendors, the city would allow the bars to stay open until 2:00 a.m., those that don't, will close at midnight. He added there is also a lack of keg registration in Florida which doesn't allow law enforcement the ability to track the purchaser or consumer. If more cities pushed for support of these initiatives, the legislature would be more apt to consider. He admitted he does not yet know if he has the votes needed to adopt these tools in Tallahassee, but simply having these discussions raises everyone's awareness level.

The Gainesville Police Department reported 509 underage drinking arrests and 1,847 open container arrests for the year 2000-2001. Party Patrol statistics were also provided to the record.

Heath Wintz, Students for Sensible Drug Policy provided a document to the record and spoke of advocating a buffer period from the time the bars stop selling alcohol and the time the patrons must leave. He added that the Responsible Vendor program was brought up and turned down during "Rave" discussions with the city several years ago. He added he has not seen any data that shows the 2:00 a.m. bar closing has reduced crime.

Ted Kubisek, owner of Full Circle nightclub stated he felt there is a problem with binge drinking and promotions that encourage that. He suggested there needed to be a balance but agreed that legislation might be the only way for the overall health of the community. He added he would not want to see all drink specials eliminated.

C/Meisburg suggested another strategy used in Tallahassee is bar owners who hire police in off-duty capacity for those responsible bar owners. Chief Botsford advised that it is not a GPD policy to allow that, and pointed out it is also a policy in 80-90% of police and sheriffs offices to not allow officers to work uniform off-duty in bars, noting it could reflect badly on the agency depending on the situations the officer becomes involved in, not to mention a number of businesses that have criminal history connections that officers would be paid by. He did note that GPD is looking at other areas such as GDOT to hire officers who would roam outside their business, but would not go into the bars or act as



City of Gainesville

Master Report

City Hall
200 East University Avenue
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File Number: 001688

id checkers or bouncers.

David Salter, Attorney for Grog House advised that only the Florida legislature can regulate advertising specials and any city ordinance designed to circumvent state law is illegal. He noted the specials are not designed to make money but a marketing tool to get the patrons inside the establishment. Grog House owner, Robert Zeller explained his establishment's drink specials.

Martina Emmerson, bartender expressed that there doesn't have to be a drink special for people to binge drink, and suggested education. Dean Zdziarski explained that education has been occurring for the past thirty years and this next move is only one more step in changing the environment. Jeremy Kennard, UF agreed that college students are influenced by the environment they are in and noted the language used in some local drink specials that encouraged irresponsible drinking.

Jenny Weigle, UF suggested there isn't a need for drink specials because most students will go out to the bars any way just to visit with friends. Heather Young UF Alcohol Committee noted a recent survey (provided for the record) given to alcohol establishments.

Matt Pagano WRUF posed the question of where the committee felt personal responsibility ends and government intervention begins. C/Nielsen reminded of the state raising the drinking age back to 21 after the short lived 18 year old age -that was all about making rules for the betterment of society.

Kyle Jones, Student Government suggested that with restrictions, house parties will become more prevalent which will lead to more noise complaints, no id checks, no security, etc.

Tavis Glassman responded that there is research that shows alcohol policies do make a difference and commented that although the city has Later Gator bus service and UF has been providing educational forums during orientation, they have yet to address drink specials or id scanners that again are just more tools to use in this multi-faceted problem.

Patricia Quittrim, Calico Jacks commented that she is fully supportive of the use of id scanners, however, questioned how the city could regulate drink specials if they chose particular specials, i.e., beat the clock, party till you... but then the bars came up with some other catchy specials name. Frank Villante also asked about the distinction between bars and restaurants and national chains (Outback, Chili's Ale House) and locally owned businesses and those businesses who operate in the county that would not be impacted by any legislation the city adopts.

Steve Hatch asked for statistical evidence that drinking is on the increase.

Sgt. DeCoursey, ASO Traffic Unit advised that his Unit made 118 DUI arrests last year, noting that the majority of those arrested were coming from house parties or clubs, with the average age 19-26 and usually between the hours of 12:00 a.m. to 4:00 a.m.

Natalie Hanan, UF Student Lobby Director expressed concern that the committee was not hearing the students who were indicating that regulation of drink specials are not effective. She suggested the Responsible Vendor Act would be a better start for discussions and further advised that the Student Senate is working toward providing late night programs to students as an alternative, such as keeping the gyms on campus open till 2:00 a.m. and providing bus service not only to downtown but to the movie theatres till 2:00 a.m. They are also working with GPD on providing information/contact number cards to students on available services.

Ms. Beeland, referring back to section (5) of the Responsible Vendor Act cautioned that there are no guidelines on what "implementing responsible policies for serving and promoting alcoholic beverages" means, and reminded that bar owners frequently change and that would be a challenge the city would have to face in making those definitions and guidelines consistent.

Mike Strange, Brick City advised that the Responsible Vendor Act is voluntary but it helps the owners with their insurance and liability issues.



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001688

Mr. Saive asked about the educational components to which Dean Zdziarski responded that education has been a focus for many years and although he doesn't see regulating drink specials as being the only answer, it is just one step and a place to start in an ongoing process.

C/Chestnut asked legal staff what measures the city could take with regard to penalties under the Responsible Vendor Act. Ron Combs, CAO advised that the city would have to set out as many terms as they wanted the city to enforce, but without knowing what's on the table to take away you couldn't define the punitive measures that could be taken. He concurred it is voluntary. With regard to keg registrations, only the state can regulate the markings on the keg and municipalities would need legislation to do that.

Steve Hatch again reminded that many of these suggestions being discussed today were brought out and dismissed during "rave" discussions a couple years ago.

Ms. Beeland advised that all entering UF students must go through orientation and during orientation they receive classes on alcohol and drug abuse, however, many of the older students may not have had those classes and UF can certainly look at ensuring these messages get out to all of the students.

C/Nielsen commented that although it appears clear there are some regulations the city cannot do based on state restrictions, he suggested identification scanners and the Responsible Vendor Act are two areas the city can look into further. The Committee asked GPD to look at the cost of the identification scanners and perhaps a shared cost among the city and others and a full report (from GPD and City Attorney's Office) on what the city can do to implement a Florida Responsible Vendor Program defining the level of "teeth" that can be put into that. C/Nielsen asked vendors to consider their marketing and how they can assist in displacing the high volume drinking behavior. He also commented that the city should strengthen its reputation on DUI enforcement.

Calico Jack and Eddje C's representatives offered to speak at UF orientations on what the bar's responsibilities and liabilities are with regard to serving underage drinkers, etc.

Debbie Martinez advised that Tampa is approaching their City Commission on a proposal to require age 21 for entry into bars.

C/ Chestnut questioned the drink specials being a marketing tool or just irresponsible advertising. There was discussion about the city giving the bar owners some type of incentive to participate in the FRVA.

Several documents from the UF Alcohol Committee, Students for Sensible Drug Policy and Steve Hach, UF were provided to the staff liaison at the end of this meeting for inclusion in the record.

Referrals to staff will be discussed at the next PSC meeting on March 21, 2002 at 3:00.



City of Gainesville Master Report

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History of Legislative File

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City Commission	8/13/2001	Approved as Recommended				Pass

Public Safety Committee 1/17/2002 Discussed



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City of Gainesville

Master Report

City Hall
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Master Report

City Hall
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This item will be continued for discussion at the February 21, 2002, 3:00 PSC meeting.

Public Safety Committee 2/21/2002 Discussed



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Action Note: The following spoke to this matter: Lohse Beeland, UF Alcohol Committee; Commissioner Steve Meisburg, Tallahassee City Commission; Heath Wintz, Students for Sensible Drug Policy; Ted Kubisek, Full Circle Nightclub; Norman Botsford, GPD Police Chief; David Salter and Robert Zeller, Grog House; Martina Emmerson; Jeremy Kennard, UF Employee; Heather Young, UF Student; Matt Pagano, WRUF; Kyle Jones, Student Government; Tavis Glassman, UF Alcohol Committee; Gene Zdziarski, UF Dean of Students; Patricia Quittrm, Calico Jacks; Steve Hatch; Frank Villante, Swamp Restaurant; Sgt. DeCoursey, ASO; Natalie Hanan, UF Student Lobby Director; Mike Strange, Brick City/Orbit; Harold Saive; Debbie Martinez; Randy Brooks, Eddie C's.

Lohse Beeland, UF Alcohol Committee reiterated the UF committee's purpose in working with the city in reviewing legislation of drink specials that could reduce high risk drinking and consideration for implementing the Florida Responsible Vendor Act. Their committee had been tasked with returning to the PSC with statistics on underage drinking and false id's. Although very few statistics for underage drinking were available, NCHA data was used to determine the extent of underage drinking and that data showed there appears to be no meaningful difference between underage and of age drinking in terms of prevalence. The University Police Department and Student Judicial Affairs do not maintain data specific to use of false identification, however, they did find there were 517 alcohol misuse cases and 35 DUI on campus arrests last year. With regard to other strategies, the UF Alcohol Committee suggested the city consider criteria that would address the drink specials that encourage binge and high risk drinking as well as review of the Florida Responsible Vendor Act (attached to the PSC agenda). Ms. Beeland reported that a student forum was held on campus last week that included good dialogue on both sides of the issue, and that future such forums would be held. A number of students in attendance were supportive of some form of regulation.

Tallahassee Commissioner Steve Miesburg spoke of a committee he chairs in Tallahassee and the work and research they have done as it regards this topic. With statistics from Harvard and other resources, he believes nothing short of regulation will help. It is his feeling that the only tool in Florida is the hours of operation (of alcohol establishments) and the proposed ordinance that C/Meisburg is proposing is calling for establishments to live by higher standards. For those who are responsible vendors, the city would allow the bars to stay open until 2:00 a.m., those that don't, will close at midnight. He added there is also a lack of keg registration in Florida which doesn't allow law enforcement the ability to track the purchaser or consumer. If more cities pushed for support of these initiatives, the legislature would be more apt to consider. He admitted he does not yet know if he has the votes needed to adopt these tools in Tallahassee, but simply having these discussions raises everyone's awareness level.

The Gainesville Police Department reported 509 underage drinking arrests and 1,847 open container arrests for the year 2000-2001. Party Patrol statistics were also provided to the record.

Heath Wintz, Students for Sensible Drug Policy provided a document to the record and spoke of advocating a buffer period from the time the bars stop selling alcohol and the time the patrons must leave. He added that the Responsible Vendor program was brought up and turned down during "Rave" discussions with the city several years ago. He added he has not seen any data that shows the 2:00 a.m. bar closing has reduced crime.

Ted Kubisek, owner of Full Circle nightclub stated he felt there is a problem with binge drinking and promotions that encourage that. He suggested there needed to be a balance but agreed that legislation might be the only way for the overall health of the community. He added he would not want to see all drink specials eliminated.

C/Meisburg suggested another strategy used in Tallahassee is bar owners who hire police in off-duty capacity for those responsible bar owners. Chief Botsford advised that it is not a GPD policy to allow that, and pointed out it is also a policy in 80-90% of police and sheriffs offices to not allow officers to work uniform off-duty in bars, noting it could reflect badly on the agency depending on the situations the officer becomes involved in, not to mention a number of businesses that have criminal history connections that officers would be paid by. He did note that GPD is looking at other areas such as GDOT to hire officers who would roam outside their business, but would not go into the bars or act as



City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601

Master Report

File Number: 001688

id checkers or bouncers.

David Salter, Attorney for Grog House advised that only the Florida legislature can regulate advertising specials and any city ordinance designed to circumvent state law is illegal. He noted the specials are not designed to make money but a marketing tool to get the patrons inside the establishment. Grog House owner, Robert Zeller explained his establishment's drink specials.

Martina Emmerson, bartender expressed that there doesn't have to be a drink special for people to binge drink, and suggested education. Dean Zdziarski explained that education has been occurring for the past thirty years and this next move is only one more step in changing the environment. Jeremy Kennard, UF agreed that college students are influenced by the environment they are in and noted the language used in some local drink specials that encouraged irresponsible drinking.

Jenny Weigle, UF suggested there isn't a need for drink specials because most students will go out to the bars any way just to visit with friends. Heather Young UF Alcohol Committee noted a recent survey (provided for the record) given to alcohol establishments.

Matt Pagono WRUF posed the question of where the committee felt personal responsibility ends and government intervention begins. C/Nielsen reminded of the state raising the drinking age back to 21 after the short lived 18 year old age -that was all about making rules for the betterment of society.

Kyle Jones, Student Government suggested that with restrictions, house parties will become more prevalent which will lead to more noise complaints, no id checks, no security, etc.

Tavis Glassman responded that there is research that shows alcohol policies do make a difference and commented that although the city has Later Gator bus service and UF has been providing educational forums during orientation, they have yet to address drink specials or id scanners that again are just more tools to use in this multi-faceted problem.

Patricia Quittrim, Calico Jacks commented that she is fully supportive of the use of id scanners, however, questioned how the city could regulate drink specials if they chose particular specials, i.e., beat the clock, party till you... but then the bars came up with some other catchy specials name. Frank Villante also asked about the distinction between bars and restaurants and national chains (Outback, Chili's Ale House) and locally owned businesses and those businesses who operate in the county that would not be impacted by any legislation the city adopts.

Steve Hatch asked for statistical evidence that drinking is on the increase.

Sgt. DeCoursey, ASO Traffic Unit advised that his Unit made 118 DUI arrests last year, noting that the majority of those arrested were coming from house parties or clubs, with the average age 19-26 and usually between the hours of 12:00 a.m. to 4:00 a.m.

Natalie Hanan, UF Student Lobby Director expressed concern that the committee was not hearing the students who were indicating that regulation of drink specials are not effective. She suggested the Responsible Vendor Act would be a better start for discussions and further advised that the Student Senate is working toward providing late night programs to students as an alternative, such as keeping the gyms on campus open till 2:00 a.m. and providing bus service not only to downtown but to the movie theatres till 2:00 a.m. They are also working with GPD on providing information/contact number cards to students on available services.

Ms. Beeland, referring back to section (5) of the Responsible Vendor Act cautioned that there are no guidelines on what "implementing responsible policies for serving and promoting alcoholic beverages" means, and reminded that bar owners frequently change and that would be a challenge the city would have to face in making those definitions and guidelines consistent.

Mike Strange, Brick City advised that the Responsible Vendor Act is voluntary but it helps the owners with their insurance and liability issues.



City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601

Master Report

File Number: 001688

Mr. Saive asked about the educational components to which Dean Zdziarski responded that education has been a focus for many years and although he doesn't see regulating drink specials as being the only answer, it is just one step and a place to start in an ongoing process.

C/Chestnut asked legal staff what measures the city could take with regard to penalties under the Responsible Vendor Act. Ron Combs, CAO advised that the city would have to set out as many terms as they wanted the city to enforce, but without knowing what's on the table to take away you couldn't define the punitive measures that could be taken. He concurred it is voluntary. With regard to keg registrations, only the state can regulate the markings on the keg and municipalities would need legislation to do that.

Steve Hatch again reminded that many of these suggestions being discussed today were brought out and dismissed during "rave" discussions a couple years ago.

Ms. Beeland advised that all entering UF students must go through orientation and during orientation they receive classes on alcohol and drug abuse, however, many of the older students may not have had those classes and UF can certainly look at ensuring these messages get out to all of the students.

C/Nielsen commented that although it appears clear there are some regulations the city cannot do based on state restrictions, he suggested identification scanners and the Responsible Vendor Act are two areas the city can look into further. The Committee asked GPD to look at the cost of the identification scanners and perhaps a shared cost among the city and others and a full report (from GPD and City Attorney's Office) on what the city can do to implement a Florida Responsible Vendor Program defining the level of "teeth" that can be put into that. C/Nielsen asked vendors to consider their marketing and how they can assist in displacing the high volume drinking behavior. He also commented that the city should strengthen its reputation on DUI enforcement.

Calico Jack and Eddie C's representatives offered to speak at UF orientations on what the bar's responsibilities and liabilities are with regard to serving underage drinkers, etc.

Debbie Martinez advised that Tampa is approaching their City Commission on a proposal to require age 21 for entry into bars.

C/ Chestnut questioned the drink specials being a marketing tool or just irresponsible advertising. There was discussion about the city giving the bar owners some type of incentive to participate in the FRVA.

Several documents from the UF Alcohol Committee, Students for Sensible Drug Policy and Steve Hach, UF were provided to the staff liaison at the end of this meeting for inclusion in the record.

Referrals to staff will be discussed at the next PSC meeting on March 21, 2002 at 3:00.



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 001502

File Number: 001502	File Type: Staff Recommendation	Status: In Committee
Version: 0	Reference:	Controlling Body: City Commission
File Name: Ad Hoc Committee on University Neighborhoods (B)		Introduced: 6/14/2001
Requester:	Cost:	Final Action:

Notes: **Title:** Ad Hoc Committee on University Neighborhoods (B)

Indexes: **Sponsors:**

Attachments:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
City Commission	5/14/2001	Referred	Public Safety Committee	11/14/2001		

Action Note: Related to Consent Item # 001317, May 14, 2001.

REFERRAL: Develop methods to prevent cars from parking on the right-of-way in non-curb and gutter areas.



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

File Number: 000374

File Type: Resolution

Status: Held In Commission

Version: 6

Reference:

Controlling Body: Public Safety
Committee

File Name: Vehicle Towing Ordinance and Roam Towing Fees Review (B)

Introduced: 6/11/2001

Requester:

Cost:

Final Action:

Notes:

Title: Vehicle Towing Ordinance and Roam Towing Fees
Review (B)

Indexes:

Sponsors:

Attachments:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601

Master Report

File Number: 000374

Action Note: City Auditor Alan Ash stated that the City Commission requested that the City Auditor, City Manager and City Attorney further review the rate adjustment issue for roam towing for final review by the Audit & Finance Committee. He stated that a panel to acquire community feedback was established, and introduced Assistant City Auditor Eileen Marzak to present the findings.

Ms. Marzak acknowledged the citizen panel members, towing companies and city staff that participated in the process. She stated the scope, objectives and methodology of the process, as well as the options for a current rate adjustment and possible future adjustments. Ms. Marzak also presented the option of a city administrative fee to private property owners to offset the cost of public funding and future ongoing information enhancements.

Mayor Paula DeLaney recognized Commissioners Chuck Chestnut and Warren Nielsen who gave brief updates as to the discussions of the Public Safety Committee. Tow company representatives Attorney Bob Rountree, Todd Rousseau - Ultimate Towing, Stan Forron - Elite Towing, Jimmy Watson - Gainesville Towing, Charlie Poindexter - Watson Towing, citizens Pete McManus, Dave Kanzler and Ben Techler, and city staff members Captain Robert Mitchell, Ron Combs and Marlene Hanna attended the meeting.

In reviewing the 9 Current Rate Adjustment Options, Mayor-Commissioner Pro Tem John Barrow stated that he thought Option 3 calculated to June 2001 could be appropriate. Commissioner Chestnut also asked that Options 2 and 6 be brought to the full Commission for consideration. It was also suggested that no automatic increase be instituted.

The Mayor and Commissioners agreed that steps need to be taken to (1) Review future complaints of performance and ethics by an appropriate Advisory Board, (2) Review sign language to ensure signage is very clear and understandable as to trespass towing and rates charged, (3) Consider the institution of an Administrative Fee on roam towing contracts for education and publicity, and (4) Require property owners to be accountable.

The Committee recommended that Current Rate Adjustment Options 3, 6, and 2 be made part of the recommendation to the City Commission on May 29, 2001.

City Auditor Ash stated that this is Mayor DeLaney's last committee meeting and he thanked her for her commitment and contribution to the committee over the past 5 years.

City Commission	8/28/2000	Referred	Public Safety Committee	2/28/2001	6/11/2001	Pass
Public Safety Committee	10/19/2000	Discussed				

Action Note: GPD staff provided a general overview of the Roam Towing (Towing from Certain Private Property) Ordinance and an historical review of the current rate of \$70 set by Resolution. Attorney Leonard Ireland for Robert Roundtree, representing a local towing company(s), requested the City Commission revisit the \$70 maximum tow rate, providing that increases in fuel, tow trucks, and insurance warranted a review and an increase in the allowable tow rate. Mr. Ireland provided as an example, that some of the other areas they looked at (Pinellas, Orange, Collier and Broward counties) had maximum towing fees of \$100 for this type of tow. Stan Forron, Stan's Towing and Todd Rousseau, Ultimate Towing spoke to the matter. The PSC requested additional information: 1) how did staff/city arrive at the original \$70 rate 2) survey of other municipalities such as Tallahassee, Ocala, and Jacksonville, and 3) explore a tie into the market rate percentages. Further discussion will be placed on the 11/16 PSC agenda, with anticipated recommendations to the CC on 12/11/00.



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

Public Safety Committee 11/16/2000 Returned Without
Recommendation

Pass

Action Note: The PSC recognized citizens Matt Blane, Todd Rousseau, Harry Hall, Robert Roundtree, Gene Watson, Mark Adler who spoke to the matter.

GPD staff presented a comparison survey of other municipalities' roam towing rates and provided the requested CPI. Attorney Roundtree referred to his original letter to the PSC of 9/28/00 requesting rate increase consideration and citing as an example of justification for that increase: a 58% increase in the cost of fuel, a 79% increase in the cost of insurance and a 36% increase in the purchase price of new tow trucks, commenting that increasing the maximum fee per tow to \$100 would help offset those costs.

Two students (or student representatives) suggested that roam towing is "predatory towing" and that standards of behavior and unethical practices by some tow companies should be part of this review.

Towing companies are governed by city ordinance and by Florida State Statutes that provides numerous guidelines with which tow companies must comply.

Complaints of illegal tows, although handled by GPD, don't cover complaints of legal tows that involve the behavior or practices of the tow companies during the tow or pick up of the vehicle.

Committee members felt the need to have more information regarding the totality of this issue and the impact with regard to standards, practices and cost.

After much discussion, the PSC recommended that the City Commission hear the presentation of information and take action necessary with regard to the provisions of Resolution #R-94-79.

City Commission 12/11/2000 Referred

Public Safety Committee 6/11/2001 6/11/2001

Pass

Action Note: City of Gainesville Assistant City Attorney Ron Combs, GPD Captain Robert Mitchell and City Auditor Alan Ash gave presentations.

Chair Paula M. DeLaney recognized Citizen Ben Tecler, Attorney Robert Roundtree and Reverend Tim Keyes spoke to the matter.

MOTION: The City Commission: 1) Refer the issue of reviewing the Towing Ordinance to the Public Safety Committee; 2) refer the issues associated with roam towing fees to the City Manager, the City Auditor and the City Attorney and bring this information to the Audit and Finance Committee; and 3) bring recommendations back to the full City Commission.

City Commission	12/11/2000	Referred	City Manager	6/11/2001	1/31/2002
City Commission	12/11/2000	Referred	City Auditor	6/11/2001	6/13/2001
City Commission	12/11/2000	Referred	City Attorney	6/11/2001	2/22/2001
City Commission	12/11/2000	Referred	Audit and Finance Committee	6/11/2001	6/13/2001

Public Safety Committee 1/25/2001 Discussed



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

Action Note: The Public Safety Committee recognized Robert Roundtree, Stan Forron, Ben Tecler, Dave Kanzler, Rebecca Ferguson, Marci Silver, Shane Lewis, Gene Watson, Diana Moss, Todd Rousseau, Marc Adler, Chester Zukowski, Randy Batista, Alex Alonso, Cpl. Bruce Giles, Ofc. Marc Plourde and Lt. Sherry Scott who spoke to this matter.

Attorney Roundtree spoke on behalf of several tow companies, stating their commitment to work with the citizens on any problems that are perceived to exist and stating that if there needs to be stronger enforcement or proper standards, they were committed to working together on that.

Members of the Gainesville Police Department were asked to address the PSC with any direct knowledge they had with regard to towing concerns. Lt. Sherry Scott introduced Cpl. Giles and Ofc. Plourde who spoke, after Lt. Scott commented about the valuable role towing companies play in the downtown area, yet acknowledging there does appear to be a number of issues with regards to the complaints received from officers and citizens.

Stan Forron advised that 23% of the vehicles he tows are never picked up, and in return they are sold for \$30-\$35 for metal, after a certificate of destruction is completed. Commissioner Nielsen asked if records were maintained on these destructions and statistics, and requested this be kept on record for potential future discussion.

Ben Tecler, Marci Silver, Dave Kanzler, Rebecca Ferguson, Marc Adler, Chester Zukowski, Randy Batista spoke of personal towing experiences and general complaints with the process, including assistance or lack of from law enforcement.

Diana Moss spoke to her need for roam towing in the apartment complex she manages, stating that it helps ensure that paying residents have a place to park and it deters large parties when crowds can't park illegally.

Commissioner Nielsen noted that apartment owners/managers should be invited to future PSC meetings on this issue.

Mr. Combs advised that even if a citizen does pay the \$70 to get their vehicle returned, they can still pursue civil remedies.

Other general discussion included: a) vehicles being towed that had proper decals and citizens feeling a sense of powerlessness against the towing company, b) who is responsible when the owner of private property has a vehicle towed that the vehicle owner disputes was legally parked on private property?, c) how to address human errors and what penalties/consequences can be put in place if mistakes are made, d) erecting signs in towing businesses that clearly explain how to file complaints, e) issue of a vehicle's dollar value vs the value to the owner, contrasted by the tow fee and storage charge, f) what responsibility do the apartment managers have to their tenants with regard to the towing contracts, g) need for a standard code of ethics, h) the history of roam towing and their role in assisting law enforcement, i) billing options, safety issues for young students stranded without a vehicle.

The Committee agreed on the following tasks/assignments:

- 1) Basis of legal agreements/contracts between the towing companies and the property owners, and what those responsibilities include.
- 2) Procedure and types of signage for roam towing, i.e., are they clear, how are the signs placed, how are they kept current, who is responsible for placement and maintenance, and what are the current flaws?
- 3) Ethics, procedures of the towing process itself. What are the ground rules, what is allowed during a tow and what is not allowed? What should the penalties be when there is a transgression of these rules/procedures?
- 4) Communication process between GPD, the citizens and the towing companies.
- 5) What are the mechanics of the towing process - straps, lights, securing the vehicle, etc.
- 6) How do we ensure that the citizens know as early as possible what is going on throughout the whole towing process, what their rights are from beginning to end.



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

- 7) Review of the actual fee process as it compounds itself over time.
- 8) Responsibility of the property owners/apartment complexes with regard to their contract with the tow companies (decals, towing signs, etc.) and how they advise their residents.
- 9) Penalties imposed for breaking the issues of the laws. Can we put some teeth into already existing laws and ordinances?
- 10) Require certain minimum financial stability requirements (bonding/insurance) for the towing business to conduct business.
- 11) Education of the towing process to the citizens.

Staff will return with first drafts for discussion at the next PSC meeting on February 22nd at 2:00 p.m.

Public Safety Committee 2/22/2001 Discussed



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

Action Note: The Public Safety Committee recognized Robert Roundtree, Todd Russeau, Gregory Woolley, Gladys Perkins, Ben Tecler, Kimberly Sweigard, Gene Watson, Legal Advisor Ron Combs, Cpt. Robert Mitchell and Chief Norm Botsford who spoke to this matter.

The PSC heard an update from Ron Combs and Cpt. Mitchell on the 11 tasks/assignments made at the January 28, 2001 PSC meeting.

Discussion of those responses from staff included:

- 1) Commissioner Nielsen presented a promotional flyer from Elite Towing he had obtained, and questioned whether the FSS made it illegal for property owners to receive benefits from towing companies who provide roam towing services on their properties. The Legal Advisor advised that it did, unless the towing firm offered that same benefit to all residents. There was a suggestion that the City may want to include a statement of that in the City ordinance, to reinforce that violation. The Committee asked for staff's response or critique to increased enforcement of the FSS that make it illegal for the towing companies to have these "improper" arrangements/benefits with their clients.
- 2) The PSC discussed whether there needed to be other reviews in place for ensuring that the roam towing signs are appropriately placed, noting that GPD provides an initial review when they receive a contract from a towing firm; however, cannot realistically keep up with monitoring the more than 200 contracts in place now.
- 3) The ordinance currently requires the tow companies notify GPD within 15 minutes of hook-up. One of the tow companies asked for the FSS 30 minute notification. The PSC asked staff to give them their recommendations at the next PSC meeting on how most efficiently to get this information to GPD/ASO.
- 4) GPD suggested that all towing companies be required to post a clearly visible sign in their business advising citizens who enter and exit how to register a complaint, both internal to the business and to the GPD. Specific recommended procedures for this will be made by staff at a future meeting.
- 5) Commissioner Nielsen suggested a "towing bill of rights", bullet points presented to citizens as soon as possible after the tow, either on the receipt itself or a separate document. This document would include information on fees, the ordinances and state statutes that regulate the towing, mechanics of the towing, how to file claims- giving them option to follow whether they be civil or criminal in nature, and contact names and numbers for citizens to call. Staff cautioned that the language would have to be vague with regard to giving legal advice to citizens or transferring the anger from the towing companies to GPD.
- 6) Commissioner Chestnut proposed requiring tow companies to purchase permits for roam towing, in part to handle the administrative costs that staff must provide for inspections, compilation of contracts, etc.
- 7) Commissioner Chestnut proposed stricter penalties for violations of the city's roam towing ordinance. Currently, the ordinance provides that 3 convictions of any provision of the ordinance within any 12-month period will result in the automatic revocation of the owner's or operator's privilege to engage in trespass towing for one month.
- 8) There was citizen comment regarding excessive speeding by the tow company drivers in the Porter's neighborhood, and concern that if the towing fees are increased, it will give the drivers even more incentive to speed to get more tows.
- 9) Comments from members of the Gainesville Apartment Association contributed to the necessity to have roam towing, but understanding that the tenants must be educated with regards to towing from their private properties. GAA Dori Farley indicated a willingness to take the "towing bill of rights" pamphlet to the GAA apartment owners/managers for their tenants to sign saying they received the "rights" to ensure they are aware of the process if they are towed.



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

Staff will return with further recommendations to the above issues at the March PSC meeting.

Public Safety Committee 3/15/2001 Discussed



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

Action Note: City Attorney Staff Ron Combs provided a "Rights of Persons Towed from Private Property" brief. During this discussion Mr. Combs advised that certain actions to further regulate towing companies by the PSC/CC are unclear with regards to the City's Roam Towing Ordinance at this time, based on Federal laws that were enacted in 1998, four years after the city's ordinance was adopted. The Federal law allows municipalities to set the cost of non-consensual tows only, but limits what can be done with respect to further regulations. The Court under who's jurisdiction Florida falls has ruled that we cannot set insurance and safety factors - that is limited to the state and the state only. With regard to the procedures, there are requirements set by FSS requiring certain things, such as signage on the part of the property owners. It was pointed out that while the tow companies may physically erect the signs, ultimately the property owner is responsible for causing the tow.

Commissioner Nielsen asked if the City could change the fee charged when a citizen returns to their vehicle while the vehicle is being hooked up. Again, Mr. Combs suggested that would be limited to what the State set. There was discussion regarding whether the City should lobby for changes through State and Legislative initiatives.

The PSC recognized citizens Ben Tecler, Marc Adler, Pete McManus, Jane Doe, Dave Kenzler, Gene Watson, Stan Forron, Robert Roundtree, Kimberly Sweigard, Todd Rousseau and Rick Moore who spoke to this issue.

Citizens McManus and Doe provided personal accounts of their towing complaints. It was noted that Mr. McManus' vehicle was towed in the county and pointed out that the city ordinance is not effective in the county limits.

Mr. Moore commented that the FSS states that the person causing the tow (property owners/not tow companies) are responsible and that the property owners should be part of this discussion. For the record, there was a Gainesville Apartment Association member present at this meeting. He also noted that there are civil remedies spelled out in the FSS for those who feel their vehicle was improperly towed.

Attendees were reminded that the fee issue of roam towing is being handled by the City's Audit and Finance Committee. That group will be holding a Towing Fee Panel meeting (open to the public) on March 21st at 9:00 a.m. in Rm. 16, City Hall.

Commissioners commented that even with this as the fourth meeting, they continue to receive e-mails, letters, phone calls. As such, this is an issue that the Committee would very much like to have some ability to take action on. They asked citizens to allow the committee to have a full working/focused meeting in April so that they can begin to move forward to the CC with recommendations.

Mr. Roundtree suggested that the bill of rights pamphlet be prepared by the towing companies and the apartment owners/managers, and make it that every person who executes a lease gets a pamphlet.

Commissioner Nielsen requested for the next meeting:

- 1) (From the City Attorney staff) What areas the PSC and the CC can address with regards to the procedures of roam towing. Where can decisions be made and where does the city have the ability for leverage. Where can they make changes in the procedures of roam towing and what type of oversight is available to the City and what consequences can be enacted when violations occur?
- 2) (From the City Attorney staff) Should the State Attorney's office be involved in the practices of towing companies giving property owners benefits as part of their contract? Need advice.
- 3) (From Towing Industry, Student Representatives, GPD, Apartment Association and City Attorney staff) Each area bring back a written draft of their proposed "bill of rights for tows" to the next meeting.
- 4) Can the city require certain methods of payment be accepted by the tow companies?



City of Gainesville Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

Public Safety Committee 4/19/2001 Recommended for
Approval

Pass



City of Gainesville

Master Report

City Hall
200 East University Avenue
Gainesville, Florida 32601

File Number: 000374

Action Note: Sr. Assistant City Attorney Ron Combs provided an overview of the local towing regulation and Federal Preemption documents provided. After the City passed the Towing Ordinance in May 1994, Congress enacted the FAAA Act in January 1995, which specifically limited the area in which States can regulate the towing industry. With regard to the issue before the PSC, Mr. Combs advised the committee that it was his opinion: 1) the City could clearly regulate the rate of nonconsensual tows, 2) setting a rate different than one half the posted rate when a car's owner returns before the vehicle has been towed would be a valid exercise of local authority, 3) Storage fees charged by towing companies cannot be regulated by the City, 4) Methods of payment for services cannot be regulated by the City, 5) regulation of "demeanor" or behavior cannot be regulated by the City, 6) both FSS and City ordinance prohibits "kickbacks", however, FSS does not make it a criminal violation. The City provides for fine and revocation of towing privileges under the current ordinance, however, he opines that this is also an area the city cannot regulate. He recommends the ordinance be amended to place this prohibition on the property owner, rather than the towing industry, and 7) if the City wishes to maintain the 15 minutes notification of tow to police requirements, that the ordinance be amended to put this under the requirements of the property owner.

Following Mr. Combs' overview, he continued with recommendations as follows:

- 1) Amend 14.5 of the code of ordinances so that it comports with the strictures required by preemptive federal legislation.
- 2) Any current provision of the ordinance which can be maintained if re-stated, should be maintained.
- 3) Make the towing ordinance enforceable under the civil citation process.
- 4) Encourage state legislators to enact additional safety and financial responsibility provisions, if such will aid in the regulation of the tow companies.
- 5) Lobby federal legislators for a change in federal law which re-establishes local regulatory control of tow companies.
- 6) If local control is not re-established, encourage federal legislators to enact regulations, which will curtail the negative behavior of the tow companies.

The PSC recognized Dave Kanzler, Gene Watson, Bob Roundtree, Stan Forron, Ben Tecler, Jon Curran, Chris Carmody, Chester Zakowski and city staff who spoke to the matter.

Attorney Roundtree provided a "Towing Bill of Rights and Responsibilities" proposal for consideration. Gene Watson also provided one to the Commissioners after the last PSC meeting, but was not provided at this meeting. It was noted that these are largely voluntary, with no enforcement options.

Extensive discussion followed, including the committee's related frustration that the City appears to be unable to address, through the ordinance, the numerous complaints that have been brought out. Civil remedies for the complainants and Legal's recommendations for ordinance language changes and lobbying efforts are still options in many areas.

The Committee recommended 1) the City Attorney's Office make a legal presentation of these circumstances as outlined in this meeting and including those proposed recommendations, to the full City Commission; 2) the drop rate (when a vehicle has been hooked up but the driver arrives) be reduced from 1/2 to 1/4; and 3) staff prepare a list of recommendations the City can address to the State and Federal legislators to lobby for more city regulation ability;

The presentation to the City Commission is expected to be during the May 29, 2001 meeting and will be in conjunction with the Audit and Finance Committee's recommendations on setting trespass towing rates.

Mr. Combs mentioned that Mr. Radson would be consulting with the State Attorney's Office regarding the "kickback" issue.

Mr. Watson requested an opportunity to speak against lowering the amount an individual pays for a vehicle already hooked up but not towed and was advised he would have an opportunity during the

