

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Minutes

Thursday, January 20, 2005

9:00 AM

City Hall, Ground Floor, Room 16

Public Safety Committee

*Commissioner Tony Domenech, Chair
Commissioner Ed Braddy, Member*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

Commissioner Domenech called the meeting to order at 9:07 a.m.

Present: Edward Braddy and Tony Domenech

ADOPTION OF THE AGENDA

The staff liaison reported on Citizen Kathy Meese's request to defer the discussion on Dangerous Dogs, #040547 and advised that Ms. Meese was not able to attend.

Commissioner Braddy moved and Commissioner Domenech seconded adoption of the agenda as presented.

APPROVAL OF MINUTES

Commissioner Braddy moved and Commissioner Domenech seconded approval of the minutes as presented.

DISCUSSION OF PENDING REFERRALS

030125 Public Safety Involvement in Site Plan and Land Review Process (NB)

This item has been retained on the Public Safety Committee's referral list at the request of the committee to be provided with periodic updates on the progress of law enforcement's involvement in the Site Plan Review process. Gainesville Police Department Sergeant Jeff Reese advised that he continues to participate in the city's review process and provide written comments back to the planners, with 99% of his recommendations being fully accepted. The planners have been very good and have deferred to him on security issues. He also participates daily in the First Step process, where most developers, architects and property owners are happy to see GPD there to answer any questions. This helps them hear comments that might come through during the design process. Sgt. Reese also reports attending the DRAB and Plan Board meetings and that the whole process is going extremely well. C/Braddy asked what recommendations (1%) were not accepted, and Sgt. Reese advised that generally those have included fencing types and locations. Chief Botsford added his assessment that the process is very good and going along quite well.

The Committee requested that this item stay with the PSC committee, at this time, for future updates.

RECOMMENDATION *The City Commission refer to the Public Safety Committee public safety's (Police and Fire) involvement in the site plan and land development review process.*

Discussed

040547 Dangerous Dogs Issues (NB)

(See reference in agenda note regarding Citizen Kathy Meese's request to defer discussions due to her absence at this meeting).

Ray Sim, Alachua County Animal Services Director introduced 3 employees: Lin Santerfelt, Animal Cruelty Investigator, Shana Freedman, new Community Outreach and Education Coordinator, and Vernon Sawyer, Field Services Supervisor. He briefly discussed his proposed recommendations as were attached to the agenda that included moving the definition from dangerous dog to the aggressive dog category. He noted that his recommendations have to go through his governmental body, but they have been very much in favor of his recommendations. Additionally, he stated he wants to begin a community outreach program for his staff to respond in the community to issues such as this.

Commissioner Braddy advised that he met with the Springtree residents last Saturday and coincidentally, the dogs at issue barked constantly while they were in the meeting. The officers did issue the owner another citation, which also goes toward the cumulative points assessed under the Landlord Licensing point system, i.e., the owner could lose their landlord permit. (Mr. Combs noted later in the meeting that the process would involve those citations being sent to the City Attorney's office for handling through the courts.) The group had requested that any actions be deferred until the next PSC meeting. The residents are concerned that due to the way the dogs are chained (facing each other in four corners of the yard) is to the detriment and health of the animals and is provoking them to be aggressive. C/Braddy noted that the group that met Saturday is suggesting a letter be sent to the UF College of Veterinary Medicine asking for their comments related to animal cruelty and the things that people may be doing that may actually trigger animal aggression.

Ms. Santerfelt advised that the County's ordinance provides for specifics with regard to chaining and the weight of the chain and weight of the animal, which also falls into the "failing to treat humanely" area of the ordinance. She agreed that if you keep an animal chained constantly, once that animal gets off the chain, they may be more aggressive. C/Braddy commented that he feels there are enough tools already in place, but questioned the enforcement. He asked how Animal Control becomes involved if when they are just driving by a house, they cannot actually see the animals or the chains. Ms. Santerfelt advised that law enforcement is generally good about contacting them to follow up, however, if they just went out for a noise violation, there is no formal mechanism in place for contact with Animal Services. Chief Botsford added that 99% of barking dogs don't have anything to do with inhumane treatment, however, if the officers thought there were other issues there, they would refer that to Animal Services. Mr. Sim commented that his office does need to get more involved in education, through media and flyers and community meetings, regarding aggression, chaining, etc., and he feels the new community outreach position that the county just funded will help with that.

C/Braddy asked that the Noise brochure (created by GPD) be updated to include the new violation rates. Staff will check on that.

Mr. Sim advised that the county has discussed potential liens against the owner of the

property for animal violations as just another option to look at. Chief Botsford suggested that strengthening the chaining laws may also be a consideration for review. Ms. Santerfelt advised that her office has looked at other communities where chaining is not allowed at all. Mr. Sim offered to look at legislation on the prohibition of chaining for his board to consider as well, noting that there would have to be exceptions to a total ban.

C/Braddy commented that he would like to keep this in committee for another meeting and until there is something more comprehensive to report out to the Commission. C/Domenech agreed with that, and also acknowledged that there are tools available, but the focus seems to need to be on the enforcement aspect. He pointed out that the Commission will focus on the Springtree neighborhood resolution where the need to be more responsive to that current situation lies. He strongly encouraged Animal Services/staff to move forward with the existing tools to resolve that situation before this gets reported out.

This item will be continued on the February 17, 2005 agenda.

RECOMMENDATION *The City Commission refer the broad issue of dangerous dogs to the Public Safety Committee.*

Discussed

040424 Bar Closing Times - Discussion with University of Florida Student Government (NB)

This referral stems from a special City Commission meeting held on September 14, 2004 with UF Student Government. The referral came from Commissioner Lowe's motion to "refer the issues of the bar closing time ordinance and the dance hall ordinance (entertainment liberty) to the Public Safety Committee."

UF Student Joe Goldberg addressed the PSC and advised that during this September Student Government meeting, the City Commission took action to refer the bar closing hours back to the Public Safety Committee. At that time, Mr. Goldberg was the Senate President. Jamal Sowell, Student Body President formed a committee of which Mr. Goldberg was appointed the director. That committee, SAFE (Safe and Fair Entertainment) has been meeting to discuss a possible extension of bar closing hours. He stated that safety is their main concern in addressing this issue. He stated that between 1:45 and 2:00 a.m. in both downtown and University Avenue areas, it is mayhem because bars and clubs have to close at 2:00 and everyone has to leave, whether they are drinking or not. Last call is generally around 1:45 and then the bouncers begin pushing patrons out of the establishment and herding them out where they then pile onto the street in a circus-type atmosphere. Many times there are fights, along with the hundreds of people in the streets at the same time. The SAFE committee, comprised of ten students, have been meeting weekly to discuss proposals that will make it safe and orderly. He indicated that student government represents 48,000 UF students and another 16,000 SFCC students. Originally, they were going to propose 4:00 a.m. closing and compromise at 3:00 a.m., however, they don't think 4:00 a.m. is in the best interest of the students at this time. They are proposing 3:00 a.m. closing, and not advocating the sale of alcohol past 2:00 a.m. or underage

drinking. He reminded that student government provides funding for the Later Gator bus service and at 1:45/2:00 a.m. that bus is crammed tight.

Proposing a 3:00 a.m. closing would allow for more time for folks to trickle out rather than everyone leaving at the same time, and also allow more time for the alcohol to metabolize, thus making for a safer drive home. He stated he thinks the community will see DUI's go down, and students will know that they have that extra hour, so after-hour parties won't be as much of an issue. He expressed his opinion that Gainesville is a 24-hour city.

C/Braddy noted that 3:00 a.m. seems to be a variance from what the Commissioners commented on during the September discussions. Mr. Goldberg stated that he didn't think "we" were ready to take that step yet (longer extension of hours or 24 hours), but that a 3:00 extension is just a matter of adjustment.

C/Domenech asked about the history of this issue and asked if there was a time when Gainesville had no bar closings. Chief Botsford provided that about five years ago bar hours extended most of the night. Gainesville opted out of the "Rave law". This generated intense meetings with strong feelings on both sides of the issue. The bars could stay open after 2:00 a.m. but were not serving alcohol and the contention was that the patrons/clubs just switched to drugs instead of alcohol while they were open after 2:00 a.m. Cpt. Van Winkle, who during his career at GPD, worked midnight shift when bars closed at 4:00 a.m., and then again when they closed at 2:00 a.m. gave his assessment. One of GPD's biggest complaints then and now is noise - people leaving downtown with their car stereos blaring and the citizens who live in those areas, calling to complain. Extending the hours will create more complaints and will also increase traffic for several hours, cars will stop at convenience stores and converge in parking lots, all of which pull officers off of other proactive enforcement, such as checking security of buildings, etc. It (extending the hours) does have an impact. Further, Cpt. Van Winkle stated that when patrons stopped drinking at 2:00 they would go out to their cars to drink and go back into the bars. Ecstasy was becoming more popular, so GPD had a huge increase in drug issues. He pointed out that patrons still had to be pushed out when they closed at 4:00 a.m. If the City extends till 3:00 a.m., it requires two times as many officers from all areas of the city to attend to the downtown area, bleeding resources.

Dr. Phillip Barkley spoke on the comment that if you stop drinking at 2:00 a.m., you have an hour to sober up. He stated that in reality you continue to absorb alcohol during that hour, and of course, it is also dependent upon many factors, such as weight, sex, age. Peak blood alcohol concentration is one hour after the last drink is consumed, i.e., you could be most intoxicated when you're leaving at 3:00 a.m. He questioned who would monitor consumption of alcohol between 2:00 and 3:00 a.m.

Chief Botsford stated that one of the main problems is people buy three or four drinks at closing time, where large bars won't be able to monitor who is drinking after 2:00, even if they aren't selling after 2:00.

Dr. Barkley shared that Dr. Matt Shannon, Emergency Room doctor testified on GHB, rape drugs, etc. five years ago. He is concerned that people will want to continue to party and may see these again increase. He expressed excitement that the

city and Dr. Machen, UF President are really looking at this issue. Extending bar hours another hour may do more harm than good.

Lohse Beeland, Chair of UF's Alcohol Committee commented that this is a significant issue that UF is extremely concerned about. Two alcohol related deaths in 1999 ended with the creation of the GAAP (Gainesville Alcohol Abuse Prevention) Committee. She stated that the University clearly stands behind that GAAP report. Tony Jones chaired the Rave subcommittee during that time and he reported that concerns were not just in the downtown area, but in other after hours non-alcohol clubs that caused just as many problems and a drain on police resources.

Mr. Goldberg commented that Ecstasy and drugs were a much bigger part of a culture than they are today and that it was a fad that he doesn't believe is out there now. He added that UF's standards are set much higher now and feels students won't be engaged in this drug culture. Further, the City Commission needs to realize that students aren't as they were five years ago. He suggested bar owners need to take a proactive stance and if need be, put restrictions on the number of drinks at last call. He advised that Student Government is looking into paying the extra costs for Later Gator, if the hours are extended.

Devon Cahan, UF Student asked Mr. Goldberg if he has spoken to the bar owners, to which he advised he has and that some bar owners may still close at 2:00 even if the extension is granted.

Ms. Beeland agreed that the students at UF are very smart, however, risky behavior is not uncommon in college students. She pointed out that not all folks are from Gainesville or even Alachua County and that they include citizens and a lot of high school students with fake id's. Her group conducted a survey this Fall and one question asked how important extending the bar hours was to them. Only 16% said it was important and 50% said they wouldn't go if the bars were open later. Towing rated higher in importance.

Citizen Barry Jordan commented that his neighborhood sees underage drinkers all the time, along with the parties.

Citizen Nora Gibbons commented that she sat on the committee of citizens during the Rave Committee meetings. She provided stats and information from Dr. Matt Shannon's comments during those meetings. She expressed concern that the problems are not getting better and the drug scene has not lessened.

Tavis Glassman, UF reported that in his collection of data, 75% of students reported underage drinking, and if the community can't control underage drinking, he questioned we enforce not drinking after 2:00 a.m.? He advised that in 1999 4.3% of the students surveyed reported using Ecstasy. Today, they are down to .4%. He believes it has fallen because the community is creating policies to create a different culture and expressed that drugs have fad tendencies but you can't draw a conclusion based on interventions.

Chief Botsford commented that the use of Ecstasy has increased, although there may be a reduction on campus. He further advised that the bar changing hours is for

everyone, not just at UF. Gainesville was a focal point for parties in North Central Florida in 1999.

Mr. Goldberg stated that closing at 2:00, people are going to continue to party and he would rather they are at a public setting than a private party where police aren't there to police the situation. He reiterated that his group is not advocating underage drinking, but talking about legal 21 year olds.

Citizen Joanne Auth stated that the bar owners have some obligation and suggested the need to get them more involved on how they conduct business.

Citizen Nancy Jordan commented that if the bar hours are extended, officers' resources will still be needed and someone will have to pay for that.

UF Lohse Beeland stated that she agrees with Mr. Goldberg's concerns regarding the students safety as they are leaving the bars, but feels the city could do that without extending the bar hours. She suggested the city could look at the density issue with regard to the number of bars operating in one area.

Chief Botsford remarked on UF President Machen's address to the Chamber of Commerce yesterday, where his focus on alcohol concerns, appears likely to generate a GAAP II (Gainesville Alcohol Abuse Prevention). Chief suggested rather than doing this independently, the PSC may want to incorporate President Machen's review with this committees.

Commissioner Domenech read an article written by a local Judge in 1926 addressing many of these same concerns, noting that this has been an issue for quite some time. He stated that this is a complicated issue where law enforcement, parents, students and neighborhoods all have their own concerns. He asked that staff put together the facts on a spread sheet that could depict a cause and effect methodology to the bar closing time (if bars close at 2:00, how many officers do you have, where are they drawn from, which zones within the city, etc.; if bars close later, same thing). He suggested that the student body should do the same thing and then that can be meshed with staff's report to see what the outcomes are. He noted that he has seen the mayhem at 1:45 when the bouncers are trying to get everyone out and he also recognizes the boom box complaints. In riding with GPD in the past, he was shocked to see how resources are drawn from other areas of the city between midnight and 3:00 a.m. on Thursdays, Fridays and Saturdays.

Commissioner Braddy provided information on how all referrals are handled in the PSC, i.e., gathering information, presentation of the information, the committee recommendation and then to the City Commission as a report. He asked Mr. Goldberg if the SAFE committee could put in writing the oral presentation he just gave to include what they are advocating and their rationale, and to include the Later Gator bus service option of additional funding. He also asked the UF Administration (Dr. Barkley?) to provide more information on what happens to the body when a person consumes that last drink at 2:00, to include a written study or photos. Tony Jones was also asked to provide information/stats from the Rave subcommittee relative to the Emergency Room doctor's testimonies. C/Braddy stated that he would like to see the personnel costs for law enforcement including any extra expenditures if

the hours are extended, using the 3:00 a.m. time for now. He said it was not fair for neighborhoods to bear the costs. Finally, C/Braddy asked Mr. Combs to look at other peer cities, not just in FL, (Eric Bredfelt's listing on peer cities), looking at what other university cities have with regard to bar time closings, and whether they have student groups that help them out, etc.

This item will be placed on the February 17, 2005 PSC agenda for continuing discussions and receipt of reports.

RECOMMENDATION *The Public Safety Committee begin discussions on this referral, hear from interested citizens and student government, and take action as necessary.*

Discussed

NEW BUSINESS

There was no new business, no member comment and no citizen comment.

040842 Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Night Vision Goggles (NB)

The Public Safety Committee approved forwarding this item to the full City Commission.

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$21,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of Night Vision Goggles for the Joint Aviation Unit.*

DISCUSSION OF SCHEDULING PENDING REFERRALS

New Referral, #040872, Comprehensive Enforcement of Running Red Lights (from C/Bryant on 1/10/05). Staff working on. Not scheduled at this time.

#040703, Parking "Boot" on Private Property - scheduled for March PSC meeting.

#040547, Dangerous Dogs Issues - schedule for February PSC meeting.

#040424, Discussion University of Florida Student Government - schedule for February PSC meeting. (Note: C/Braddy asked if the title could reflect more accurately the referral, i.e., 2:00 a.m. Bar Closing Time)

#040297, Taxi Cab Companies Safety Violations - scheduled for February or March PSC (waiting for staff reports)

#030125, Public Safety Involvement in Site Plan and Land Review Process - committee agreed to retain on pending referral list for periodic update

NEXT MEETING

February 17, 2005, 9:00 a.m.

ADJOURNMENT

Adjourned at 11:05 a.m.