

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
July 28, 2008

INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on July 28, 2008 at 7:00 p.m. with the following members present:

Mayor Presley presiding, Stan Barker, Rick Davis, Sandra Williams, Stephen Marshall, Cris Bohinc and Bob McDowell present.

Also present from the City were: City Administrator Dean Kruithof, Assistant City Administrator Frank Schoneboom, City Attorney Paul Link, City Clerk Lisa Westfall, Director of Communications Jerry Adams, Director of Computer Information Services D.J. Cline, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Director of Planning and Zoning Don Stephens and Police Chief Carol McCullough.

Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Larry VanGilder gave the invocation.

PUBLIC COMMENT

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by stating that the Board would hear citizens that signed up to speak in the order of the first person signing the sheet.

Chuck Pennel, 353 Quincy Road, Kirbyville, Missouri, thanked the Board for their efforts on liquor issue; he appreciates the work put into it and agreed it needs regulation.

Jimmy Nicholas, 530 Parnell, Branson, Missouri see attached copy of comments.

Debra Nicholas, 529 Parnell, Branson, Missouri relinquished time to Jimmy Nicholas.

CONSENT AGENDA

Mayor Presley asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda for further discussion. Alderwoman Williams asked that Item #6 be removed from the Consent Agenda and placed as the 1st item on the Regular Agenda. Mayor Presley asked City Clerk Westfall to read the items on the Consent Agenda as amended. City Clerk Westfall read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

July 8, 2008 special meeting
July 9, 2008 special meeting
July 10, 2008 special meeting
July 14, 2008 regular meeting
July 22, 2008 special meeting

Acknowledge receipt of minutes:

Liquor Task Force Committee meeting of July 8, 2008

Acknowledge receipt of Annexation Petition filed by:

Richard Huffman located at 1725 Branson Hills Parkway, Branson, Missouri.

Daniel Ruda located at 1725 South Highway 165, Branson, Missouri.

Bill No. 3562

Ord. No. 2008-071 **Approving a Municipal Code amendment to Chapter 62, Article 1, Section 62-11 of the Branson Municipal Code pertaining to park user fees.**

Final reading of Bill No. 3562, an ordinance approving a Municipal Code amendment to Chapter 62, Section 62-11 of the Branson Municipal Code pertaining to park user fees was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-071 was duly enacted.

Bill No. 3563

Ord. No. 2008-072 **Approving the renewal of the Letter of Engagement with Cochran Head Vick & Co., P.C. for auditing services for the City of Branson.**

Final reading of Bill No. 3563, an ordinance approving the renewal of the Letter of Engagement with Cochran Head Vick & Co., P.C. for auditing services for the City of Branson and authorizing the Mayor to execute the same was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-072 was duly enacted.

Bill No. 3565

Ord. No. 2008-073 **Authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce.**

Final reading of Bill No. 3565, an ordinance authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce and authorizing the Mayor to execute the agreement was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-073.

Bill No. 3566

Ord. No. 2008-074 **Awarding the bid to Springfield Freightliner Sales for the purchase of two dump trucks.**

Final reading of Bill No. 3566 an ordinance awarding the bid to Springfield Freightliner Sales for the purchase of two dump trucks for the Public Works Department of the City of Branson and authorizing the Mayor to execute the same was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-074 was duly enacted.

Mayor Presley opened the floor for a motion to approve all items on the Consent Agenda as amended. Alderwoman Williams moved to approve, seconded by Alderman Barker. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

REGULAR AGENDA

Bill No. 3564 **Approving a Municipal Code amendment by deleting Chapter 10 and enacting a new Chapter 10 of the Branson Municipal Code pertaining to alcoholic beverages.**

Final reading of Bill No. 3564, an ordinance approving a Municipal Code amendment by deleting Chapter 10 and enacting a new Chapter 10 of the Branson Municipal Code pertaining to alcoholic beverages was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof. Mayor Presley asked for a motion to postpone this bill until the August 11, 2008 Board of Aldermen meeting. Alderwoman Williams moved to postpone Bill No. 3564, the final reading, until August 11, 2008, seconded by Alderman Davis. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3567
Ord. No. 2008-075 **Approving a Municipal Code amendment by deleting Section 10-3 and enacting a new Section 10-3 of the Branson Municipal Code pertaining to alcoholic beverages.**

First reading of Bill No. 3567, an ordinance approving a Municipal Code amendment by deleting Section 10-3 and enacting a new Section 10-3 of the Branson Municipal Code pertaining to alcoholic beverages was read by title by City Clerk Westfall and the staff report was presented by Carol McCullough. Mayor Presley asked for a motion approving the first reading of Bill No. 3567. Alderwoman Bohinc moved to approve, seconded by Alderman Barker. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Darin Coden, 202 South Commercial, Branson, Missouri asked about special law enforcement for the car show and how much it costs the City. He also asked if the Board was aware State Liquor Control was out the weekend of July, 25 through July 27, 2008 and if there were any arrests made. He inquired if the State is required to notify the City when they are going to be here and if there have ever been any convictions of someone cited for selling alcohol to a minor. He said it is important that anytime a government body passes an ordinance the public know specifically what the fiscal impact will be. Jimmy Nicholas, 530 Parnell, Branson, Missouri asked if Branson Police, State Police or Deputies were involved in the activity over the weekend of July 21, 2008. If they were not City Police, who were they called by and can he find out why the State was here. Rick Huffman, 420 Sunnybrook, Branson, Missouri said "Section B, by a person without permission" is vague. He asked it be amended by adding "by the owner or occupant" after permission for clarification. Jory Rolf, 1592 Skyview Drive, Branson, Missouri thanked the Board for showing integrity and listening to the citizens. He encouraged them to hear the voice of the other side that doesn't think the ordinance goes far enough. He thanked Chief McCullough for his leadership. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Motion carried. City Clerk Westfall read Bill No. 3567 by title for the final reading. Mayor Presley asked for a motion approving the final reading of Bill No. 3567. Alderman Barker moved to approve the final reading of Bill No. 3567 due to the necessity of having the amendment in place by the August 9th Car Show, seconded by Alderwoman Williams. Mayor Presley asked for any additional comments from the audience. Hearing none, Mayor Presley asked for comments from the Board. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-075 was duly enacted.

Bill No. 3568 **Approving the placement of a housecar for business purposes on properties located at 1725 South Highway 165.**

Public hearing and first reading of Bill No. 3568, a special ordinance approving the placement of a housecar for business purposes on properties located at 1725 South Highway 165 was read by City Clerk Westfall and the staff report was presented by Don Stephens. Mayor Presley opened the

public hearing and asked for anyone wishing to speak in favor or opposition of this matter. John Redford, 245 South Wildwood Drive, Branson, Missouri stated the original intent was to move the trailer out of the city. He said they felt the property was not contiguous therefore they went through the County. Staff felt like it was in the city. He said there were other manufactured homes in the area adjacent to the property so it would be compatible to the area. Mayor Presley closed the public hearing and asked for a motion approving the first reading of Bill No. 3568. Alderman Marshall so moved, seconded by Alderman McDowell. Mayor Presley asked if anyone in the audience wished to speak regarding this matter. Dan Ruda, 103 Gaylewood, Branson, Missouri stated he is a strong believer in precedence and he recalled when the Chateau needed sewer and the city ran a line through his property which started the process of annexation and a precedence was set. He said he does not have a problem with making the trailer look better barring cost is not a problem. He said moving the trailer and setting it up could cost \$30 to \$40 thousand and may not be worth it for less than three years. Mayor Presley asked for comments from the Board. Discussion. Alderman McDowell moved to amend Bill No. 3568, Section 5 to read as follows: "This ordinance shall be in full force and effect at the time the property becomes annexed into the City of Branson", seconded by Alderman Davis. Mayor Presley then asked for anyone in the audience wishing to speak regarding the amendment. Hearing none, Mayor Presley asked for comments from the Board. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Motion carried. Mayor Presley called for a vote on the Bill No. 3568 as amended. Voting aye: McDowell. Nays: Barker, Davis, Williams, Marshall and Bohinc. Motion failed.

Bill No. 3569 **Approving a Planned Development amendment to the Club Welk Branson Villas Land Use Regulations PD-2006-006 for properties located at 270 Welk Resort Circle.**

First reading of Bill No. 3569, an ordinance approving a Planned Development amendment to the Club Welk Branson Villas Land Use Regulations PD-2006-006 for properties located at 270 Welk Resort Circle, Branson Missouri was read by title by City Clerk Westfall and the staff report was presented by Don Stephens. Mayor Presley asked for a motion approving the first reading of Bill No. 3569. Alderman Barker moved to approve, seconded by Alderman Davis. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3570 **Accepting the proposal of HTE/SunGard to provide for the City's financial software applications for a term of one-year.**

First reading of Bill No. 3570, an ordinance accepting the proposal of HTE/SunGard to provide for the City's financial software applications for a term of one-year and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall and the staff report was presented by Frank Schoneboom. Mayor Presley asked for a motion approving the first reading of Bill No. 3570. Alderwoman Bohinc so moved, seconded by Alderwoman Williams. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3571 **Approving an agreement between the City of Branson and Crawford, Murphy & Tilly, Inc. for the preliminary design of the Lift Station 30 Capacity Upgrade and Force Main Project.**

First reading of Bill No. 3571, an ordinance approving an agreement between the City of Branson and Crawford, Murphy & Tilly, Inc. for the preliminary design of the Lift Station 30 Capacity Upgrade and Force Main Project and authorizing the Mayor to enter into the agreement was read by

title by City Clerk Westfall and the staff report was presented by David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3571. Alderman Marshall so moved, seconded by Alderman Barker. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3572 **Approving the placement of a construction trailer to be placed on property located in the Commerce Park Subdivision West of Buena Vista Road.**

First reading of Bill No. 3572, a special ordinance approving the placement of a construction trailer to be placed on property located in the Commerce Park Subdivision West of Buena Vista Road, Branson, Missouri was read by title by City Clerk Westfall and the staff report was presented by David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3572. Alderman Barker moved to approve, seconded by Alderman Marshall. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3573 **Accepting the proposal of The TanStone Group, LLC., pertaining to the sale of real estate related to the right-of-way of Forsythe Road.**

First reading of Bill No. 3573, an ordinance accepting the proposal of The TanStone Group, LLC., pertaining to the sale of real estate related to the right-of-way of Forsythe Road and authorizing the Mayor to sign the deed in accordance with the terms of the proposal for bids was read by title by City Clerk Westfall and the staff report was presented by David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3573. Alderman McDowell so moved, seconded by Alderman Barker. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Resolution No.
2008-R007 **Approving an Estoppel Certificate and a Sublessor's Estoppel Certificate (Garage Lease) for a loan from U.S. Bank National Association to the Boutique Hotel Development Company, LLC, in connection with the Boutique Hotel in the Branson Landing Development.**

A Resolution approving an Estoppel Certificate and a Sublessor's Estoppel Certificate (Garage Lease) for a loan from U.S. Bank National Association to the Boutique Hotel Development Company, LLC, in connection with the Boutique Hotel in the Branson Landing Development and authorizing the Mayor to execute the same was read by title by City Clerk Westfall, and a staff report was presented by Paul Link. Mayor Presley asked for a motion adopting the Resolution. Alderman Marshall moved to adopt the resolution, seconded by Alderman Barker. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Bill Hart, 1949 Sunshine, Springfield, Missouri representing HCW. He stated the two estoppels recite the facts that the leases have been signed, no one is in default and the leases are in force as required by the lender. He said this does not create any financial obligations on behalf of the city. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Resolution No. 2007-R007 was adopted.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderwoman Bohinc thanked everyone for coming.

Alderwoman Williams encouraged everyone to come to the Workforce Housing Summit and to the Underage Drinking Prevention Meeting both being held this week.

Alderman Marshall said he attended a volleyball tournament at Branson High School and inquired if any efforts are being made to book these types of events at the convention center.

Marvin Hayes spoke representing the World Wide Eagles. He stated he was commissioned by the State of Missouri to start an organization in Branson. He provided handouts to the Board and said he would like to come to the August 11, 2008 meeting after they have had an opportunity to review the materials.

Dean Kruithof stated a Presidential Disaster Declaration has been issued for the June 1 through 18, 2008 flooding, which means Branson will be eligible for public assistance. He said Don Stephens and him have been working on a plan for customer service improvement in Planning & Zoning Department. A customer service survey will be provided to customers working with Planning & Zoning and Jerry will compile feedback of the information. He also said August 15 is the planned date for Finance Director interviews to begin.

Mayor Presley thanked Ruth Denham for her participation in the Point in Time count. She also thanked Christopher Welch from the Church Army who championed the project. She said data from the count will be made available to the Board. She asked the Board to consider switching the work sessions to study sessions and asked Mr. Kruithof to elaborate.

Dean Kruithof said study sessions can be used to study an item in more depth. He said what we are currently doing with the work sessions is bringing the Board an item that is already in process and is on the agenda. Instead, he explained an item could be scheduled on a study session so the item could be talked about in more depth prior to scheduling the item on the agenda. He said he thinks it will be invaluable to both staff and the Aldermen to take a little time to talk about issues prior to having to make a decision about it. Mayor Presley said this would be on the agenda for the next work session for discussion and she would like to Board to consider what day and time would best work for them.

ADJOURN

At this time Mayor Presley asked for a motion to adjourn. Alderman Barker so moved, seconded by Alderwoman Williams. Meeting adjourned at 9:07 p.m. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Raeanne Presley
Mayor

Lisa K Westfall
City Clerk

7/28/08 - Public Comment

JIMMY NICHOLAS

Undoubtedly, the city of Branson and the Mayor and Aldermen, realize the implications of passing a group of ordinances which are as vague as the ones proposed. I submit to you that this entire package, which I understand has been recommended to be postponed until August 11, is a ploy to railroad through laws, which are state statutes that haven't been enforced since prohibition. Clearly the city still lives in the days of "Music Man" and "Elmer Gantry". "T" and that rhymes with "P", and that stands for "Pool".

Two weeks ago, when this outrageous package was introduced to the public, one of the Alderman stated that passing the first reading of this package would not affect anyone tomorrow. Well it has. Clearly, the ability for the police to bombard the Landings, as they did this last weekend, did not come out of the clear blue. You think that this will cure all ills by taking liquor out of our city. Your goal is to eliminate anyone who serves liquor, making it impossible for them to continue in business. This will be contested in the courts. There will be an uprising of the community and owners of establishments to the point that there will be lawsuits that the city won't be able to afford. In the meantime, because of

your intimidations, you are creating dissensions throughout the community. If you succeed, you hope the squeaky clean city in which everyone can live in harmony, filled with Shepard of the hills mentalities, theme parks, and theaters which have been lowering standards year after year. There is a reason the town has been having a problem attracting the stars it needs. They are unable to earn a living with the dwindling bus traffic, and an audience who wants to spend the least they can, trying daily to obtain free or cheap tickets and go to the outlet malls.

You want to be sophisticated, but you aren't appealing to the people who will spend the money. In fact, you are discouraging the money-spender. People with money want to vacation in a place where, when they get done seeing an average show, want to go to dinner and have a glass of wine. They want to be entertained, not go back to a hotel, which they have booked for \$29. And sit in the hospitality room, which has been provided, drinking the cheapest drinks they can find. This does not help the tax base for the city. I suggest, rather than for the city to concentrate on harassing local patrons, spend your time and efforts supporting these patrons, even

complimenting them for being part of the entertainment community.

If family values means so much to the city and is working so well, why do you claim we have such a problem with teenage drinking. Let's be realistic and adult. Teenagers, no matter how they have been raised, and no matter what, so-called "family values" with which they have been raised, tend to test their freedoms. It is not the responsibility of restaurant and club owners to watch your children. It is there responsibility for restaurant and club owners to do their best that people under 21 do not drink in their establishments. If you are trying to create a dry city, your children, whether 21 or 40 will go to Springfield and across the state line, being on the road and risking their lives. Spend some time, showing by example, that if they are balanced and brought up correctly, your actions and the way you run your life will affect the way they function and cause them to be the adults you will be proud of.

What the city does to promote functions for our children and older folks is never enough. Clearly, more effort is being done to criticize anything dealing with liquor, than accepting these business

as part of our tax base.

I suggest to you, as members of our governing body that your legacy is at stake, here. This group of amendments, which is filled with restrictions and ambiguities, gives our enforcement agencies the right to make decisions concerning a person's livelihood. This is restraint of trade, and you know it! It is not the city's job to enforce state regulations - it is the job of the state. It is the job of the city to report state infractions to the state, where they can handle these infractions on a state level. You are assuming that people on the local level are able to make state decisions - they are not.

I have learned through a lawsuit in Florida, that a city considers itself autonomous. When this group of people in front of me is out of office, the city can not be sued for their infractions, but it's members can. I had a ten acre piece of land in Florida, which the city wanted for a park. They didn't want to pay me for it - even the going price. No! They wanted it, so they passed every ordinance they could, making it so impossible for me to keep my piece of land, which was totally paid off, that, after twelve years, they got it. It

cost me \$2,000,000. It cost the city \$1.220,000 and twelve years. This case brings back scary memories of those days before laws were passed to correct the actions of the city. Three people went to federal prison because of my case. I still lost my land, but there is now a law on the books in Florida dealing with my case. It involves a term called "Creative Destruction". Because of my case, a government, whether local, State, or Federal, cannot make a piece of land worth less or destroy its equity, no matter what a city's motives.

I believe that your motives are to eliminate whatever establishments serve liquor or beer, and even more - to eliminate the chance for anyone in the future to obtain a liquor license. I suggest to you that this is a restraint of trade, and you had better cross your T's and dot your I's, because it will be contested.

I hope that when you are enforcing any laws, that they will be enforced with equality. That all owners of liquor licenses will be treated with equal disdain.

You aren't passing laws just to solve the problems at hand. You are passing laws that are open

ended, knowing that by the time people are able to defend themselves, you have already put them out of business. I, fortunately, do not have a business in town, but I love this town and don't like my friends to be treated unfairly. There are many people who will not step forward because they are afraid of scrutiny that they might attract. Do you want them to be afraid to step forward?

Do you know that owners of a liquor license have a higher standard to live up to? In order to have a liquor license, you can't have a federal record. In order to have a theater, or theme park, or church, you can have a federal record. Other businesses don't have to disclose their partners, or their ability to obtain a loan. Does every theater, theme park, or church have to tell the city what type of entertainment it is going to have? No. They are respected enough to make their own decisions. If there is infraction with liquor, the State would be notified and the State will react. I guarantee it.

What if the city decided to hire a director for \$80,000 and year and ultimately an assistant, and buy a car for their disposal. This director is to scrutinize our theaters and their entertainment.

What if the city decides that there be no more no-teeth comedy acts, or no more dog acts, because they become beneath us and not live up to our moral or family values. If the alderman believed that these acts should be banned, the theater owners here would be up in arms, and I wouldn't blame them. The city was up in arms about certain acts who came to town, because of things they might have said on stage. The very people who complained had never even seen the acts. They even complained about Wayne Newton, when we should have begged him to stay in Branson, and others like him who have been discouraged from entertaining here. How sophisticated have we become?

These amendments aren't against people who have had any major infractions - they are against anyone who has a liquor license! If there are infractions, and if the city is the fair establishment I think they are, the owners of liquor licenses should be warned about an infraction, without a two-times and your closed for 90 days. We know that if you close a business for 90 days, a business of any kind cannot exist. The city knows that and so do the people who have manufactured these amendments, amendments which even the State

**chooses not to enforce. Many state statutes are so outdated that even the State has chosen not to enforce them for fifty years. Many of them had to do with prohibition and prostitution. We should be more intelligent and adult than to take antiquated, irrelevant laws and enforce them as though they were written today. You are attempting to pass laws that were written 90 years ago, because they fit your moral agenda. **

Whenever I hear the term "Family Values", I think, "Moral Agenda". Using the term "Family Values", is much like an attorney using the word, "Clearly". How dare anyone resist a statement which starts out, "Clearly, your honor!"
"Clearly, your honor, all businesses who serve liquor and/or beer should be closed in Branson, because they go against our "Family Values". How dare anyone object to ordinances who the mayor and the aldermen claim support our family values. Everyone wants family values.
Restaurant and club owners and theaters with liquor licenses have families - families who go to the same schools children without liquor licenses attend. They are the same children, sons and daughters of liquor license owners, who attend our churches.

“Family Values”! I suggest to the community that when the term “Family Values” is used by a government, that it sends up a red flag. Think immediately whether that term family values means “Moral Agenda”. “Family Values” - “Moral Agenda”. If the term “Family Values” reflects “Family Values” of ALL members of the community, then we should support that.

Fort Lauderdale Florida and Daytona Beach Florida, about 15 years ago, came down on the liquor establishments and the “Spring Break Kids”. Instead of arresting people who were out of line and hire enough police force to enforce the state laws, the city came down so hard on both the patrons and the owners of establishments that spring break was no more. Today both cities are beginning to recover from the tax implications it gave to the cities - it all but bankrupted them.

You worked so hard at passing this ordinance about open containers for the car show and parade, you conveniently included the Landings, which had nothing to do with the car show. I guess it will be open for Hollister or Springfield to host the car show next year. I guarantee that they

will handle it by enforcing against those who will get out of hand. I'm sure that they will have additional police to handle whatever problems ensue. With more people come more crime. It is not "With more Drinking comes more Crime".

It is the 21st century. It is important that we have a police enforcement agency who have balance and can distinguish between minor infractions and federal offenses. Without proper handling, innocent people will suffer for the faults of a few.

Do we consider Disneyland not an entertainment community. Do you not think that Disneyland has drinking? They sell as much revenue in liquor as they do in food on the premises. The City of Orlando is a thriving and bustling community, with balance. Yes, there is crime. With people comes crime. It's a matter of numbers.

We are fighting in the mid-east to prevent government from placing impossible restrictions on people.

Instead of spending \$100,000 a year for a hall monitor with a title of director, who will have to justify his salary by giving local establishment

tickets for infractions of antiquated State and City laws, work with people who have licenses and respect the fact that they, too, want to obey fair laws. What is the criterion for being a director? Would the public be allowed to decide who this person is, or will he or she be appointed by the same committee who created his position? I would like an answer for that before any further discussion about these amendments.

Special interests in this town would love you to spend more time worrying about these issues. It takes less attention to their operations.

There are some very intelligent people on this board and in our community. It is not the business of our elected officials to make it difficult for our businesses. We should all be working together to bring even a broader tax base to our city. I'm afraid that private agendas in this case have taken the place of fairness and common sense. There are several shows in town which are offensive to me, but it is not my business or yours to head hunt and close them down because it is not your taste.

Years ago, when my wife and I first came to town,

the community was praying for quality restaurants with good food and the ability to have a glass of wine or mixed drink. When they heard we were going to open a restaurant, we were welcomed by the community with open arms. Do you understand why this group of ordinances is dangerous. Because, in order to have a liquor license, you must sell at least 51% food. The only reason any classy restaurant would consider having an operation would be to complement it with drinks. The reason being, as you know, from going to the grocery store, the markup on food is not great. The nicer restaurants like Landry's, The Candlestick, Andy's Grill, and the Chateau would suffer greatly by not having liquor to have enough profit to subsist. The local restaurant like Montana Mikes and Rocky's, Appleby's and Tony Z's will have a difficult time going forward. You will be the losers, as well.

When the city proposed sign ordinances several years back, I was one of few who stood right where I'm standing tonight fighting against the inequities in those ordinances. They were proposing that an individual could not have more than one American flag on their property. It also said that an individual could not have more than

one holy cross on their property. At the time, I asked, "What kind of country is this?" "What kind of city is this?" Needless to say that ordinance was not passed.

Lastly, you are probably asking yourself, "Well if these ordinances are so important to the public, why aren't there more people objecting to them? Why aren't their a whole group of club owners and restaurant employees standing in front of you fighting restrictions which will affect their places of employment, ultimately possibly shutting them down? There is a very simple answer! They are afraid. Afraid to come forward because of the repercussions they while experience. Liquor license owners are afraid of losing their living. Some of them don't know the implications at this point, but they will, unless these ordinances are eliminated. The city better read the State statutes, because many of those that were quoted two weeks ago are out and out NOT TRUE. Having a booklet of the State Statutes in your hand and reading it correctly are two different animals.

Thanks you for your time and patience.