



City of Palm Coast

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Meeting Minutes Planning & Land Development Regulation Board Workshop

Chairman Michael Beebe
Vice Chair James Jones
Board Member Robert Cuff
Board Member Glenn Davis
Board Member Sybil Dodson-Lucas
Board Member Christopher Dolney
Board Member Ray Henderson
School Board Representative Chuck Nies

Wednesday, January 20, 2016

5:45 PM

City Hall Community Wing

Immediately Following Regular PLDRB Meeting - Workshop on

Public comment will be allowed consistent with Senate Bill 50, codified at the laws of Florida, 2013 – 227, creating Section 286.0114, Fla. Stat. (with an effective date of October 1, 2013). The public will be given a reasonable opportunity to be heard on a proposition before the City's Planning & Land Development Regulation Board, subject to the exceptions provided in §286.0114(3), Fla. Stat.

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>All pagers and cell phones are to remain OFF while the Planning and Land Development Regulation Board is in session.

A. Call to Order.

Chair Beebe called the meeting to order at 6:44PM.

B. Roll Call

Present: 7 - Chairman Beebe, Vice Chair Jones, Board Member Cuff, Board Member Dodson-Lucas, Board Member Dolney, Board Member Henderson, and School Board Representative Nies

Excused: 1 - Board Member Davis

Order of Business for Public Hearings (PLDRB may make inquiries at any stage):

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

PLDRB Questions of Applicant or City Staff (if applicable)

Public Comments/Presentations

Rebuttal by Applicant or City Staff (if applicable)

Close Hearing

PLDRB Discussion

PLDRB Action

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PRESENTATION ON OPTIONS FOR AMENDING THE LAND
DEVELOPMENT CODE FOR STANDARDS REGULATING BOTTLE CLUBS

Attachments: [Bottle Club Letters from public in 2015](#)

Mr. Ray Tyner, City of Palm Coast, Planning Manager, introduced the agenda item and Mr. Bill Hoover, Sr. Planner, who made a presentation on this issue and his presentation is attached to these minutes.

Mr. Tyner addressed the board regarding usage in the Industrial Areas (IND1 or IND2).

Discussion on the issue ensued among the PLDRB members.

Mr. Dolney: Are you familiar with the cigar shop in European Village.

ANS: Ms. Reishmann: Yes.

Mr. Dolney: Don't they allow you to bring your own bottle into that establishment?

ANS: Mr. Tyner: I don't know. That has to be under a specific license. During the moratorium period we have worked very closely with our City Attorneys, Katie and Bill, and (going forward) that is one of the things we will be looking at because the State has a specific definition for bottle clubs that we are utilizing. I don't think that would actually fit (the cigar club) because any establishment within European Village has to have a liquor license. And I haven't heard that it (cigar club) is a bottle club. One of the things if we do bring this back to you (PLDRB) we will be working with our attorneys to make sure that the definition is specific to the use we are talking about. Where people are bringing in the liquor and falls within that criteria.

Mr. Dolney: But you specifically left (Europa) and went to another location (Mezzaluna, with a drink you purchased at Europa)?

ANS: Vice Chair Jones: Yes.

Ms. Reischmann, PLDRB Attorney, addressed the PLDRB regarding the type of licensing a bottle club receives.

Mrs. Lucas: Is there a clear statute or definition for a bottle club?

ANS: Ms. Reichmann: Yes, there is a definition of a bottle club within the statutes. But it (the statute) probably needs to be supplemented with some specific exclusions for civic associations. It does state it is commercial for profit whether or not a profit is made. Even so the thought was that we would try to work in the exceptions knowing that we will not make this mathematically precise. Obviously there will be a few businesses that might try to take advantage of this by forming a club that (they claim) is a legitimate social club, (however) it is a for profit bottle club. There may be some gray areas there. We do have some other models to look to, some other cities that have definitions, that we pull from and try to the best we can.

Mrs. Lucas: Are you taking about a corking fee, a restaurant might charge you, that only have a beer and wine license and you can bring in your own wine, and they will charge a \$5.00 or \$10.00 corking fee ?

ANS: Mr. Dolney: You are allowed to bring your own bottle with a beer or wine license.

ANS: Mr. Henderson: That is a bottle club. As far as I know, the definition of a bottle club, you bring in a bottle and you leave it there. You come in and drink out of your own bottle, or anyone who may allow you to drink out of their bottle, they will provide you with a setups (and charge you a fee). That is the definition I got as far as bottle

clubs are concerned. Because what that means to me, is that guy comes in and gets drunk on his own bottle, he isn't buying drinks, he is buying setups.

Mrs. Lucas offered her personal experiences to clarify the definition of a bottle club.

Vice Chair Jones: If we gave a consensus that strategy four is the way we wish to proceed, you would present to us an ordinance or resolution at our next meeting, that if you advertised it, that would include a definition of a bottle club. The state's statute plus some local exclusions.

ANS: Mr. Tyner: Yes, Chris (Mr. Dolney) brought up a good point about European Village, we will have to look at the definition.

Vice Chair Jones: But at that point, all this is conjecture now about the definition, time would be better spent at that time when we actually have a resolution with a definition in front of us.

ANS: Mr. Hoover: We already have a definition that was brought to this board in May. We can modify that definition based on the concerns out there to tighten it up. To say (for example) excludes Moose Clubs and those types of organizations so we don't catch them in there.

Chair Beebe made a statement regarding using caution in order to avoid hurting legitimate businesses. A discussion ensued between the Board and Staff.

Mr. Henderson: Why not make the exceptions as small as possible?

ANS: Ms. Reischmann: Right.

ANS: Vice Chair Jones: I agree, (with) every exception you make is a loophole.

Mrs. Lucas: I don't understand how you define "free flowing" liquor, Ray (Mr. Henderson)? Are you still talking about the bottle the person owns and brought in, or are you talking about an unlimited supply from a bartender?

ANS: Vice Chair Jones: No, you walk in with a bottle in your hand.

Mrs. Lucas: So how is that unlimited, are you coming in with a case of liquor? Are you coming in with a bottle that you store there, (for instance) a bottle of Jameson (Irish Whiskey)?

ANS: Mr. Henderson: When it becomes after hours and I can go in (or anybody can go into a place) and say here is a bottle of whiskey and when I came in I want to drink from this bottle of whiskey. I can come in (to that place) anytime, day or night, and I can drink from that bottle. That is a bottle club. And when you have a bottle club like that, is when you have a problem. Because the only time these people are coming in is after 2AM, when the bars are closed. They have been wherever they wanted to go up until 2AM, now they are at the bottle club. And that is where the problems start because of free flowing alcohol and a whole bunch of people from different places (and then the situation) ends up in a riot. It has proven itself everywhere in Florida.

Mrs. Lucas: You have the benefit of an experience that I haven't had. Before, I tip my hat to the point we have riots in the streets and drunks falling (all) over the place. I'm inclined to agree with it (the prohibition of bottle clubs). I don't know about limiting business, though. But, suppose you call it something other than a bottle club. Suppose you call it the "finest of the fine". I don't know that on the face of it, it is the worst idea, or the worst thing that can happen.

ANS: Mr. Henderson: Why not? Everywhere they (bottle clubs) have been, there are police reports, we just showed you. Homicides, stabbings, shootings, and all kinds of things everywhere they have been. We've just had the report here. You said you don't understand.

ANS: Mrs. Lucas: I've reviewed the letters and the statistics from Volusia County.
ANS: Mr. Henderson: Right.

Mr. Cuff: What is the litigation track record, if any, of the state definition, has it been challenged? Or any of the city ordinances that we might be looking at as models, have they been (challenged). Because I'm not anxious to buy ourselves a \$200,000 legal bill, like when you get into when you try to zone out adult businesses.

ANS: Ms. Reischmann: As far as I know, Bob (Mr. Cuff), it (ordiance) has been successful in city's that have prohibited bottle clubs.

A request was made to staff to include a copy of Daytona Beach, Ormond Beach, and Flagler Beach "bottle club" ordinances to the PLDRB members.

Chair Beebe clarified with the PLDRB members position on the issue.

Chair Beebe: Does it (ordinance) come back to us or go directly to City Council?

ANS: Mr. Tyner: No I think it comes back to you (PLDRB at our next meeting). Then we will get your direction and recommendation on the ordinance and then it will proceed to City Council for a workshop.

Mr. Cuff: And that would be a public hearing, when it comes back to us?

ANS: Mr. Tyner: Yes, to you (PLDRB).

C. Adjournment

The meeting was adjourned at 7:28PM

Respectfully submitted:
Irene Schaefer, Recording Secretary

[16-28](#)

ATTACHMENTS TO MINUTES

Attachments: [Bottle Club Ordinance Workshop for PLDRB \(1-20-16\)2](#)