



The Ordinance Review Committee will meet in the
Water Plant Conference Room located at 1401
County Road 1, Dunedin, FL 34698

MONDAY, JANUARY 7, 2019

6:00 P.M.

ORDINANCE REVIEW COMMITTEE AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. DRAFT NOVEMBER 7, 2018 & DECEMBER 3, 2018 ORC MINUTES
4. TOPICS
 - A. Chapter 26, Elections (Tom Trask) *Revisit Sections 26-2 & 26-202*
 - B. Chapter 6, Alcoholic Beverages (Greg Rice)
 - C. Chapter 10, Animals (Greg Rice)
 - D. Chapter 34, Environment (Greg Rice)
 - E. Chapter 62, Sales (Greg Rice)
 - F. Chapter 70, Taxation (Greg Rice)
 - G. Chapter 74, Traffic and Vehicles (Greg Rice)
 - H. Chapter 82, Vehicles for Hire (Greg Rice)
5. REVIEW COMMENTS for Sec. 1-16 - Conflict Trask email, Sec 38-42 Open Burning Trask Email and Chapter 42 Human Relations Pat Morea email
6. NEXT MEETING: February 4, 2019
7. ADJOURNMENT

***** THIS MEETING IS OPEN TO THE PUBLIC *****

DUNEDIN, FLORIDA
MINUTES OF THE ORDINANCE REVIEW COMMITTEE MEETING
JANUARY 7, 2019
6:00 P.M.

1. **Call to Order.** Mike called the ORC meeting to order at 6:00 p.m.

2. **Roll Call**

Present: Mike Bowman, Chair
Grant Painter, Vice-Chair
Kathy Carlson
Manny Koutsourais
Eric Peterson
Jen Welch

ABSENT: Patricia Morea

Staff: Thomas J. Trask, City Attorney
Denise M. Kirkpatrick, City Clerk

Guest(S): Greg Rice, Planning and Development Director

3. **Approve the November 7th and December 3rd, 2018 ORC Minutes**

City Clerk Kirkpatrick advised:

She sent out the November 7, 2018 earlier today and did not think anyone had an opportunity to read them so she will add them to the February 4, 2019 agenda.

She accidentally erased the audio copy of this December 3, 2018 ORC meeting and plans to compare her notes with Tom's to use to prepare the minutes.

4. **Topics**

Manny advised he did not feel well and asked if the ORC could review his Chapters first. The ORC members were good with that.

4.F. **Chapter 70, Taxation**

Manny thanked the members for allowing him to go first. He also advised he wanted to thank Greg Rice, Planning and Development Director and Joe DiPasqua, the Assistant Director of Planning & Development. He stated the thing is to try to shorten and make it a little easier for the business community as well as staff to be able to put their finger on what it is they need to do when someone is paying a Business Tax Receipt which was previously the Occupational License.

Greg advised:

He wanted Joe to receive a lot of credit for taking on this project.

They would like to recommend a repeal and replace of Article III - Local Business Taxes of Chapter 70. He stated in the current Chapter 70 there are over 20 pages of licenses categories that deal with a variety of ways at it by the number of vehicles, the number of employees, the value of inventory etc. all of which we have no way of checking. So Joey had a great idea to go by square footage of the business which can be easily checked on the property appraiser's website. That would reduce the number of categories down to less than two pages found beginning on the next to the last page of the draft provided, Listing of Categories and Classifications.

At this time, we are recommending for all local business taxes to be assessed and collected based on the square footage shown below:

Less than 10,000 square feet:	\$ 50.00
At least 10,000 square feet, but no more than 50,000 square feet:	\$100.00
More than 50,000 square feet	\$200.00

Greg advised the caveat to this is we have to go through the process. Tom advised he has not been through that process; however, it is set by State Statute.

Greg explained new fees can be set, but can only go up 10% per year.

We thought it would be so much simpler and most of the estimates would be in the \$50.00 category.

Tom inquired if we're going to do them all by square footage, why do we need to do the categories? Greg stated he had the exact same question and Joey said so we have our new software and it requires categories. Further, if we have to send out FEMA Regulations to all the businesses, it is easier.

Tom clarified categories and classifications are for internal use only and if so does it need to be in the Code.

Greg replied we don't need them in there, but we're in process of implementation. This is the way we plan to classify them and then we have flexibility; however it would be a lot easier if the entire list was out of the Chapter.

Tom also inquired if all those uses in the Development Code do you need them to match to BTR permitted and conditional uses. Greg responded right now when a person fills out an application it goes to fire, zoning, etc. to insure it is billed properly. The uses don't match that list if that's what he is asking.

Tom commented so then if we're going to do it all by square footage; and since he received this today, is there additional language in any part of the code that addressed the need for a contractor to have a County License and nursing homes have to have a State License and a Hotel License. Greg responded that is in Section 70-85 and noted some things Joey thought were not important he took those out.

Tom inquired if the Local Business Taxes will appear to be a price increase, is that going to hit a lot more businesses as an increase or is there an average; are people going to show up at Commission meetings saying they do not want this because it is going to raise their BTR \$100 every year.

Greg replied they looked at the averages and part of the Commission is that we can only collect 10% above our total expense for last year. It is controlled like that. When they looked at the average we are in the upper \$40.00 so it will be close with that \$50.00 category.

Mike noted then it would be less than \$10.00 a year.

Greg stated they tried to make it as simple for the average person instead of talking about vehicles and employees and inventory.

Tom asked about how the square footage will be calculated. Greg explained they do everything on the Land Development side by gross floor area and Tom noted that would be outside wall to outside wall that Greg thought would be easier.

Tom referred to Sec. 70-72 – Definitions

Square Feet and square footage. The enclosed area a business occupies. In those instances where the business activity is of a mobile nature or where there is no enclosed area, the minimum square footage charge shall be assessed.

He noted **that the definition needs to include that it is Gross Floor Area** and then maybe even define Gross Floor Area for the purposes of this section.

Tom asked if the draft provided is the reworking of all those code sections Sec. 70-71 through 70-81. Greg stated everything that has to do with Business Tax Receipts and it is repeal and replace.

Grant asked if they have looked at the economic impact, he thinks it is really small numbers from the business side, from the City it all adds up and if we are not careful and simplify things then find out we have gone short; he wants to make sure that is not happening.

Greg asked if he can send Mike an email on the analysis part. Grant stated he did not need to see the analysis if staff has done that he did not think it was this committee's responsibility to study the economics. Greg commented they are confident it is going to go up, but again it can only be a little.

Tom asked what is the approach the committee wanted to take? Mike responded he thought it would be difficult until the members could read through it he suggested to table this section; he thinks it is a great idea, but he would like to read it.

Tom asked Greg if this was in the hopper already or did he do this for this committee, he asked in terms of time where we are because obviously Greg can do this without a recommendation from this committee, go down that path well before the committee can make a recommendation to the Commission.

Greg explained there were a couple of things going on with the BTR's, one is that they have half-time Code Enforcement person now that spent her initial first six months finding Business Tax Receipts because there was a list of business and found that we had 1200 on the books and now it is up to 1800 so there were quite a few missing. That was the first phase. The second piece was to make it easier for the Permit Technician working up front; currently that list of classifications is a lot for them to go through and try to figure it out. They did do it for this committee; he has asked Joey for a long time about this being simpler and his concern was mostly the number of categories.

Mike stated he thought it was a great idea, he just wants some to read it through and then bring them back in a month or two and then the committee can ask any questions.

The ORC agreed to table Chapter 70, Taxation.

4.A. Chapter 26, Elections

Tom advised the committee had already been through the Elections portion of the Code and subsequent to that we had an election in the city and Commissioner Gow was elected. During the campaign process he received a couple of contributions that would otherwise be considered in violation of the City Code. We went to take a look at that to see whether or not there was an issue with that and how we were going to deal with that.

Some background he hoped would make it a little more understandable. He received according to his Campaign Treasurer's Report \$50.00 from the North Pinellas County Democratic Club and \$100.00 from the Stonewall Democrats of Pinellas County.

We have code provision here in Dunedin, Code Section 26-202 – Unfair campaign practice.

It shall be an unfair campaign practice for a candidate to elective city office, or an agent or authorized representative of the candidate on behalf of such candidate to:

- (3) Solicit or accept contributions, or open assistance or support, from any partisan political club or association affiliated with any political party, or from any political party;

In his Treasurer's Report it looks like he is in violation of that code section, because he has accepted these contributions. He stated a lot of other commissioners over the years have done the same thing; he can't comment on others, because he does not have any information other than Jeff. We started to do some research on it and what he was really looking for was if there is a statute of limitations, because even though this just happened with Jeff, what about other commissioners and mayors in the past, how far back can we start enforcing this penalty which by the way is \$500.00 per violation., It was his belief it would go back 5 years, but the research came across an old Attorney General Opinion, which basically said that contributions under campaign practices are preempted to the State of Florida, so the City cannot adopt a provision in its code that would otherwise limit someone's ability to accept contributions. Although, in the opinion of 1974, it talks about the dollar amount; it is the same legal processes, if you can't regulate the dollar amount, you can't regulate who they are coming from.

He notified the Commission and told them it was his intention to bring it to the committee for another look at this code section and then get a recommendation from the committee as to whether or not it should be basically repealed or deleted from the Code.

The question might be why does it, take since 1974 to find this and it might be, because no one has really looked at it and when John prepared this ordinance and had it adopted and he assumed it was during his tenure, since he was with the City for 38 years, that would have been prior to the 1974 start date that this was on the books. He does not know the answer; he only knows the Attorney General has made an opinion; there is no case law that would be helpful. You might wonder if the Attorney General Opinion is something you can really rely upon and the answer is it is not case law or a statute, it is an opinion, but one rendered by the highest level of attorneys in Florida, so we have a tendency to say we can follow this opinion. This is what we would be arguing if we went to court. Frankly, if we levy fines on commissioners and mayors, either this one currently or those in the past, the first thing they would do is show up with that opinion and the judge may say that is a complete defense.

The question to the Committee today is, knowing there is an Attorney General Opinion that says you can't regulate campaign contributions because that is preempted to the State, in other words our section is unconstitutional or at least unenforceable, do we want to delete it from the Code.

Manny inquired how does this stack up against the Supreme Court ruling regarding campaign contributions. Tom responded this does not talk about any Supreme Court case.

Tom stated a least at this point this has come to our attention. In rendering that opinion that he is saying it is unconstitutional and unenforceable he has taken that position with the Commission and we are not pursuing any enforcement action against Commissioner Gow or any other commissioners or mayors in the past because of that opinion. The Commission

wants to hear from this committee; none of them said they did not like his idea of bringing it to the Ordinance Review Committee for consideration.

He would like the direction of the committee to repeal this code section.

Manny stated Sec. 26-202 is actually talking about a political party and emphasizing the fact it is a bipartisan race. Tom stated it is a non-partisan race. Manny commented that is basically what Sec. 26-202 is saying, there is nothing here regarding any limitation on the amounts of money that is being accepted. Tom responded there is none on the amounts of money, but there is on who you receive it from. Manny said the question is the fact that it was part of from a partisan organization.

Mike asked about wanting to keep Sec. 26-201. Tom clarified he was only talking about Sec. 26-202 Unfair campaign practice.

Eric advised when he compared the two and pulled the Florida one that speaks in terms of amounts of money whereas the City's Code does not really talk about money although it does say contribution, but it talks about political advertising as one party or another; it certainly does have areas in there, but many areas in here do not fall under the Florida Statute. He is not sure about striking everything in Sec. 26-202.

Mike noted Sec. 26-201 says it has to be nonpartisan. Tom stated his thought is that should stay. Mike stated that 202 takes it a little further. If the main concern is being nonpartisan, that is covered in 201.

Tom explained the other problem that comes into play, when people are running for office they are often asked to come to meetings and express their opinions on whatever issues that are important to them. Sometimes those meetings are with the Democratic Club or the Republican Club and this prohibits that, those are the other code sections. That is why this committee has to make the decision, but he thought it would be best to remove the entire thing and that would give a little transparency. First of all anyone can get the Treasurer's Report as it is public record and that is why everything is listed, but it would give more transparency and would give anyone who is campaigning a little bit more of an arena to get his/her views known and accept contributions whatever the dollar amount.

Manny stated the thing about 26-202 there is one part that says that everyone has to be invited in order for you to attend as a candidate and it is never going to happen that one candidate is going to call the other to see if they are attending a meeting. He likes Tom's opinion. The only question he might have is regarding the amounts of money, but that is not really pertinent to this.

Tom advised then there is a limitation in the statute, so that would cover it and there is no need to have it in both places.

Grant stated this has caused him a lot of concern as far as anything we worked on this committee so far because as he looked at it he asked why does this exist, which is what he starts with each section and can we simplify. On this he is of the belief that it exists so that the people within the City of Dunedin decide who their leadership is going to be so it is not decided by interests outside of Dunedin. His concern is looking to remove tools to help do that, though Tom was saying the tools may not be effective anyway and useless. Tom responded "unconstitutional" is the word he would use. He is looking to our attorney to ask what tool he can give to make sure that the decision is made by the citizens of Dunedin.

Tom responded they vote them into office and what is the difference someone who is your neighbor giving you \$10,000 and you go out and buy 400 signs versus the Democratic Party giving \$50.00 to your opponent who would be able to buy one sign; who is the person who is forcing that candidate in one direction or the other.

Grant stated that even though no one has tried to enforce it and perhaps because it is unenforceable it at least gives a candidate pause not to go all in and announce themselves as the Democratic candidate or the Republican candidate. Tom explained that prohibition will continue, they will not be able to do that. Grant asked what is left to help enforce that; there is no D or R next to their name, but the Democratic or Republican Party is the one that sends their troops in to canvas the neighborhoods and so forth whereas right now it is somewhat a grassroots scenario. Although in the last election certain parties did jump in on that a bit. That is where he looks at solicit or accept contributions which we think of money or open assistance or support; he knows where that happened in this last election.

Mike asked about taking Sec. 26-202(5) out of that and put it in the first paragraph, 26-201 that really addresses what is going to happen. Tom explained Section 1-15 of the Code specifically says any violation of this Code is going to be considered an ordinance violation subject to a fine of up to \$500.00; Sec. 26-202 (5) is just a reiteration of that protection.

Grant stated so if we are looking to remove this, the financial contribution argument, are we pursuing anything having to do with other assistance or support; one could argue that is more valuable than the \$150.00. Tom explained the City cannot regulate it, not who is doing it or how much; it is all preempted to the State, and that is the starting point, that is what the Attorney General Opinion says and that is what Chapter 106 of the Florida Statutes says.

Mike thinks the whole thing is driven so candidates do not come out and say they are a Democrat or a Republican and then you have groups; you can have Democrats or Republicans out there canvassing or whatever, the candidate is just not supposed to commit to one or the other.

Kathy stated in the end it is not the amount of money it is the act and Tom agreed that was correct.

Mike stated he had no problem with repealing 202, but you have to keep 201, but he does not know if 202 gives it any more teeth.

Grant stated what he was thinking was his frustration when receiving this and started looking into it more he realized there are some issues going back and Jeff Gow did not start this and his is minor in comparison to some of the other issues going back. His first frustration is why haven't we tried to enforce this and turned a blind eye. That goes with Tom's opening statement of is there a statute of limitations and how far back are we trying to go. The last thing he wants to do is dredge things up in the city and make our city, government and community look bad over this and let it get into the news, we want to solve the problem; that being said in a couple of years we are dealing with it again, so how do we dissuade these same things that keep happening; what tools can we have to keep candidates from heading down that path and he was hearing that 201 is enough. Tom said yes, that is the one that sets the tone as a nonpartisan election and if the City wants to enforce that because someone has gone out and had their signs, Democrat, Republican or whatever then he is sure they would want to take action.

Tom stated he wanted to make clear we are not overlooking anything, when the packets go out for every candidate, they receive this code section and are told it is there and they sign a statement saying they have read that. That packet is at least 200 pages, so there is probably a tendency to skip through some of it when they sign that form. Since 2011 when he has been the City Attorney this has never come up before and the only reason it came up now is because there was a resident who reviewed his Treasurer's Report and looked at that code section and asked if this is a violation. He has no recollection of Mr. Hubbard ever talking with him about this issue coming up.

Manny stated regarding Section 202, that John was very thorough and he would think of anything he could and was a defensive lawyer; the point being maybe you don't want to take that out because it does specifically tell that candidate this is what you really need to do getting into the specifics of the intent of this.

Eric stated at least subsection 3 has to be taken out because the State law overrides that. Tom advised he was right, it is preempted to the State. The question is do you want to be able to prohibit someone from speaking at a Democratic Party or Republican Party.

Manny commented if they are asked as a candidate to speak they should have the right to do that. Tom noted then subsections 3 and 4 would have to come out and if you take it out you do not have to deal with it.

Kathy asked if it is unenforceable and unconstitutional why we would keep it.

Jen stated she was leaning that way also.

Mike explained he was talking about eliminating Sec. 26-202 entirely.

Jen asked if there is a way to incorporate subsections 1 and 2, which to her just elaborates on that top paragraph and gives specifics. If we can't do 3, because it is preempted and 4 we are saying we don't recommend so people will participate and have those functions if there is a way to incorporate those. Mike responded that it is basically just reiterating the first paragraph giving some examples. Jen commented if the thought is that would give someone pause or make them more cautious.

Mike noted Tom's recommendation is to pull that whole section off.

Mike clarified the question is do we keep part of it or eliminate the whole section.

Kathy – toss it.

Manny – keep parts of it.

Grant – at minimum keep parts of it.

Eric – toss subsections 3 and 4 and keeping parts of it.

Jen – thinks subsections 1 and 2 can be incorporated.

Mike questioned why keep 1 and 2 that is just reiterating what the first paragraph is saying; it is more specific, but basically the first paragraph tells you that you cannot be a party affiliation no matter the situation.

Manny asked if this is something this committee should get into or should the City Commission make that decision and Mike responded the Commission wanted the committee opinion. Tom stated that it is the committee's job to make a recommendation one way or the other on the big picture note and the little picture notice is that they do not want to touch this;

now he has not had that conversation with any of them at all, but he can guarantee if they are in office why would they want this especially if they are planning on running again.

Denise advised they have an entire section of advertising in one of the State's books on campaigning and it tells you that you can't put an R or D if it is nonpartisan; they tell you exactly what you can put on your information.

Eric asked if Denise was suggesting going back to the Florida law really outlines a lot of the things being said in this.

Tom explained part of that 200 page packet is Chapter 106 of the Florida Statutes.

Mike clarified what Jen and the others were saying was to modify Section 26-202 subsections 1 and 2 and incorporate it into Sec. 26-201, but eliminate Sec. 26-202 entirely and the ORC agreed to the proposed recommendation.

Tom verified then he would take Sec. 26-201 and change it to incorporate this language in paragraphs (1) and (2). He reiterated (5) is not necessary, because of Section 1-15 which includes the \$500.00 per violation of the code.

4.B. Chapter 6, Alcoholic Beverages

Greg advised staff thinks the distance requirements are antiquated in terms of from churches and schools and from other alcoholic beverage establishments. The comments he has heard are that we don't want to become Ybor City; however, to him whether or not that happens is much more controlled by hours of operation than the distance from other establishments. He has not done widespread research, but he liked St. Petersburg where they seem to be fairly progressive on their codes and they do not have this type of stipulation. With the thinking of the committee if they want him to pursue that direction he would be happy to do more research.

Mike clarified the recommendation to eliminate the 300 feet, 175 feet.

Greg also stated in looking at the Amazon effect they are looking at retail being more and more difficult and people really have to be special with retail and it has to be experiential to get people in the door. In looking at what is starting to be vacant in the downtown, which there never used to be vacancies; it is all retail, some art studios that are currently empty. He would say the question for the committee is with retail beginning to struggle are they okay with restaurants, breweries, bars that might be more of than retail for a while or maybe permanent. From a staff perspective when he looks at the church hours especially downtown with the Methodist Church, their hours of operation are opposite the average alcohol establishment.

Manny asked if it is about the hours of operation like to 3:00 a.m. Greg responded no that would be very controversial, but if there was ever the concern. He looks at the majority of the city's alcoholic beverage establishments are midnight or less; also there needs to be places to go for people who work in those establishments, he thinks the distance requirements are antiquated.

Mike clarified with Greg his recommendation to eliminate Sec. 6-31 –Distance from schools and churches.

Grant stated he looks at 6-31 as two completely different situations. The distance requirements relating to schools and churches is one thing and the distance requirements of

establishments from each other is another thing. The two serve totally different purposes and need to be thought of separately.

Mike asked if the committee was good with the distance from schools and churches being eliminated.

Manny stated there was a reason for it to begin with years ago; he does not know the impact it is having today or what it will have tomorrow. Mike noted the only church is the one at Douglas and Main. Greg commented drawing a 300 foot circle around the Methodist Church is a pretty good impact.

Grant stated he looks at if someone opened a church on Skinner Boulevard right in the middle and we are looking to do this redevelopment on Skinner and put all this into it, then that church has just locked down all this space that cannot be part of it which is of concern to him.

Manny acknowledged his concern for a distance from a church, but he can also see what Greg is talking about.

Kathy stated there is a church in the plaza between the 9th Bar and Cueni Brewery and asked if that is not allowed according to this code. Greg responded who was there first. She questioned the downtown restaurants like Casa Tina's and Skip's being next to each other. Greg explained there are different classifications and under this section, alcoholic establishments is where the majority of the revenue is alcohol, that is why restaurants do not fall under this.

Greg advised currently there is a proposal for a type of whiskey bar under the Artisan Apartments which cannot be done right now. He does not think a high end whiskey bar is taking a closer step to being Ybor City.

Grant stated he really would want to separate the conversation. The church part is a morality issue and the other is a business conversation.

Mike referred to the second paragraph and asked if the committee wanted to take out the portion of referring to the 300 feet.

Grant stated he would do more research if the committee does not want to have everyone say yes or no on this.

Grant stated since his conversation with Greg he has tried to do more research and in St. Petersburg there is a little district on Central designated for night life and people he knows who live in that downtown and participate in the downtown events do not go to that area at night, because it is out of control. That gives him pause in that our town is so small compared to St. Petersburg, it does not take much to have a district like that and have that become our identity. Personally, he does think a whiskey bar under the Artisan is a great fit for the town; that being said he still has this other concern.

Mike asked if there is some other way to keep from having every business on the street be a bar.

Jen commented it does seem outdated. Kathy commented then you are limiting the people's abilities; Jen agreed with that as well in terms of letting the market decide.

Eric stated he is in favor of taking it out, but he struggles with what is the point of the ordinance in the first place, is it to vision the city or is it to control matters of moralistic matters or child safety. If it is to design and dictate how the city will develop, he is not sure

that belongs in an ordinance. Tom responded that is done every day, the Zoning Code dictates what happens, when and where and this is a way of addressing these types of businesses and whether it is here or in the Zoning Code and the committee is lucky they do not get to look in the Land Development Code when doing this review.

Jen commented she just connected, which she had not before; she saw the connection of morality with regard to church/school, so we are saying it is also in the second part to limit the overall number of bars. Greg responded he thought that is what it came from that if every single business was an alcoholic beverage establishment and Tom interjected like a red light district.

Manny stated every ordinance the city has should be looked at as to how it serves the public from a health, safety and welfare and it should not have anything to do with religion or anything else. An example is the Methodist Church that has been there forever, but if he remembers correctly the Biker Bar was there before the Church and that is not 300 feet. He expressed the concern years ago about downtown Dunedin becoming another Ybor City and Greg noted he has heard it from many people.

Grant stated at this point he would eliminate the church and school distance scenario in the Downtown Core for sure. Also in reading carefully some references are to public schools and some are to schools, those are different things and that needs to be recognized in consideration of what is happening with the daycare, school, preschool at the Methodist Church, because it is not a public school. Mike responded that concern is for something coming in now, but there are establishments already there.

Grant asked if it is intentional in the ordinance that some of it is public school and some of it is school or is it incidental. Tom responded he did not know the answer to that question, but if there was any type of geographical review of this; these things could be plotted out and if it is determined to just pick out public schools that we know we can control, but we may not want to control in a private school; he is not sure whether or not that was done back in the day; but it can be done now. He thinks it is agreed there are two different things, public schools and private schools.

Grant noted the other thing is he would want to eliminate the distance requirement from a church.

Mike asked if the first paragraph should be eliminated. He stated Greg could look at the second paragraph that kind of ties in the public school and get rid of the school in some way that we won't have a solid street of bars.

Grant stated he would be concerned with taking the approach of looking at the hours; he has thought about that a lot and is concerned. He knows it was just discussed as to if limiting hours is that a possible tool to get what we want out of this allowing what we want by preventing what we don't want. He would have to see where it would go with that. Greg explained that is not how he meant it, but if we started to go in the direction of having too much of this going on, he was saying he thought the more powerful tool than distances from churches and schools was hours of operation; he was not saying to change anything because he thinks everything is just fine.

Mike clarified to eliminate the first paragraph and rework the second paragraph finding some way not to have a solid two blocks of bars, but not necessarily take it away.

Definitions 6-51

Grant noted there needs to be different definitions for the different types of places, tavern, bar and so forth and asked if brewery has to have its own classification at this point because he does think it is unique and that of all of these things, it is a place that is light manufacturing. That is a unique scenario and when it comes to zoning he can see where that might have its own slot.

Mike stated when these definitions were done there were no breweries.

Tom stated he is not seeing where the definitions are used anywhere they would make a difference. Grant stated it is used as far as, for instance, a restaurant that serves alcohol. Tom explained these definitions are not for the entire code; they are only for this section having to do with prohibition of activities, these are having to do with beer and wine and mini bars; we do not want any of these acts to occur in any of these places and they are talking about nudity, nude or semi-nude behavior in an alcoholic beverage establishment; it did not have anything to do with the distances.

4.C. Chapter 10, Animals

Kathy advised she did not really see any changes to be made and the ORC concurred, therefore, no changes were required. Greg advised he would follow up on the doggy dining.

4.D. Chapter 34, Environment

Kathy advised she read the Chapter and did not find anything, but she learned a lot.

Greg advised the title "Environment" would not be where one goes to find this information.

Tom suggested retiring the Chapter. Greg commented "Nuisance" is a better title than "Environment".

Greg had one request he wanted to get Tom's thoughts on. He advised we inadvertently left out the requirements that people have to maintain the front of their property Right-Of-Way referring to weeds and grass. Tom advised it's not only weeds and grass; it isn't about just weeds and grass, it's 8 feet above the sidewalk and 14 feet above streets.

Tom inquired if Greg wanted to get height clearances in the Code so people can walk and drive under them.

Greg advised we inadvertently left out the height of shrubs. Tom advised this would be a great place to put that. Greg advised he could provide some language for that. Tom stated that would be great. Tom advised it would be in Article 1, Section 34-2. He further suggested to change the title of Chapter 34 from "Environment" to "Property Maintenance. The ORC agreed.

4.E. Chapter 62, Sales

Jen advised she read the chapter and it has a lot of verbiage about advertising, handbills, etc. Greg advised that's what he wanted to mention, because it is not enforced and when bad things happen they'd say you didn't follow our code. Tom advised the answer is yes.

Tom advised the sponge docks are having a hell of a time. They are appointing police officers and their only job is to stop peddlers from distributing menus and handbills. The sidewalks in downtown Tarpon are very narrow, when it comes to a line of restaurants they all have people in front of their restaurants giving tourists menus to their restaurant; therefore

the visitors are trying to avoid them by walking into the streets; but the sidewalks are 14 to 18 inches higher than the streets and you see tourists falling into the streets.

Tom stated that doesn't mean it is going to happen in Dunedin, but he would like to leave that in the code in the event we get something like that in the future, we can use it as a type of enforcement.

Tom advised Tarpon Springs now has Jehovah's Witnesses on the docks; however, they have a specific area off of the sidewalks/boardwalks. They're trying to make it safer.

Greg commented you cannot enforce salvation, but you can enforce sales.

Greg commented his only other change is to replace the term "Occupational License" with "Business Tax Receipts" throughout the chapter.

4.G. Chapter 74, Traffic and Vehicles

Eric advised one of the areas that caught his attention was the golf carts; however, he made no comments because there is work happening on that now that is likely to make changes. This could benefit from being refreshed.

The other opinion he had for 74-111 Definitions was the new types of personal mobility coming out and how that would affect sidewalks. His focus was on e-bikes, hover boards; some can get up to 20 mph and need to be considered with regard to sidewalks. Eric commented in terms of description and disability assistance devices as well. This could benefit from being refreshed. Greg noted we may also have the Nickel Ride that takes 5 people in a low speed vehicle and they try to offer that for free, based on the advertising on the vehicle that wants to come into the city.

Mike commented it can get dangerous especially with elderly people and Eric noted that was his point.

Eric looked at St. Petersburg's regulations that regulates every vehicle from skateboards up to anything that is going to be used in the public requires a permit which he thinks is probably a good idea. Tom questioned if there was City staff to do that and clarified with Eric he was referring to the businesses use having approval for the different modes of transportation.

Grant stated his understanding of what Eric was suggesting is where these personal things are being used on the sidewalks where it is packed with people. He stated St. Petersburg regulates everything from skateboards up to anything that is going to operate in the public. Tom inquired if the City has enough staff to do that. Greg stated they would have to have an agreement, permission to operate within the city. Tom said something like a franchise that requires approval. Greg clarified it would have to be a business. Businesses offering new ways of transportation, vehicles for hire.

Tom advised there is a State Statute that talks about what is allowed on sidewalks and the next chapter addresses vehicles for hire that is where the language for vehicles for hire should probably be addressed for businesses. What Eric is talking about is e-bikes and hover boards and new types of things on sidewalks here in the city.

Segways, e-bikes, hover-boards and other new technology modes of personal transportation should be added to Sec. 74-111 to expand the definition section.

Greg stated in thinking about this meeting tonight he questioned what purpose is the City really getting from registering golf carts.

Tom stated his thinking in that the idea was the City controls the fact they have all the safety equipment, there is an inspection and there is no other way to get them to the building to determine whether that equipment exists.

It was clarified there is no physical inspection, the owner signs an affidavit stating the requirements have been met.

Eric commented there are uses for identification, parking legally and so forth. To the point there are at least a hundred or so not registered and will verbally indicate they have no interest in doing so.

Tom commented it would be like an automobile with no license plate; how do the police deal with that, they write a ticket or pull them aside and find out who the driver is and find why it is not registered.

Greg advised law enforcement does not have the time to deal with a golf cart ticket, unless it is an accident.

Eric advised the Golf Cart Task Force is working on expanding routes throughout the majority of the city with crossings and so forth so they are not breaking any laws. He thinks the only real concern is darting across traffic where it is not allowed.

Eric stated his concern was more with the rental of e-bikes and so forth when people do not know and they go everywhere with them; golf carts are generally on the roadway.

Jen advised she read something where the Commission had addressed golf carts and it is under consideration to require seat belts in the golf carts and car seats for children.

4.H. Chapter 82, Vehicles for Hire

Eric advised he had no comments on this section.

Greg commented the City is not doing the background work on cab drivers.

Tom clarified the direction that he and Greg will work on some provisions to add to Chapter 82 that deals with the franchise businesses for the personal use mobility/transportation that are vehicles for hire.

Manny inquired whether or not there is a differentiation for a taxi cab, Uber and Lyft. Tom advised there are no definitions for Uber or Lyft.

The discussion clarified that Uber and Lyft are described as "ride share" and not as taxis or cabs. Their regular auto insurance would cover any liability issues.

Greg noted St. Petersburg had an exemption for ride sharing and referenced a State Statute. Tom will look into that as well.

Grant inquired if there is any way the franchise fees can help to pay for some safety enforcement. Tom responded that any money received for these types of things goes into the General Fund and there is usually not a label attached; therefore, he does not think that money would be set aside for that purpose; however, it is something to bring forward; Greg has been trying to do that for years on the money the Code Enforcement brings in for code liens and the past couple of years it has been almost \$ 1Million and it does not go to his staff or department, but right into the General Fund and then he has to fight for a Code Enforcement Officer or staff member.

A different title was suggested other than "Vehicles for Hire"; possibly "Vehicles for Rent."

5. **REVIEW COMMENTS for Sec. 1-16 - Conflict Trask email, Sec 38-42 Open Burning Trask Email and Chapter 42 Human Relations Pat Morea email Other Business**

Chapter 1, Conflict language. Tom referenced his direction is to prepare some conflict language and provided an email with the new section he created, Section 1-16 Conflict, which is before the committee for any type of discussion. He explained it is saying whatever the more specific and more restrictive is going to apply to the situation. We do not want people being able to argue this specific regulation does not apply to them, because the general is more acceptable in nature. This will come back to the committee when they review all the ordinances and recommendations to the Commission.

Tom suggested it read:

Sec. 1-16 – Conflict

When the provisions of this Code impose higher standards or specific requirements than are required in any other provision, regulation or general requirement, the provisions of this Code shall govern. When the provisions of any other provision or regulation impose higher standards or specific requirements than are required by this Code, the provisions of that statute, ordinance, regulation or provision shall govern.

Chapter 38, Open Burning language. Tom explained when the committee was here with Michael and the Fire Chief he and Jen talked about some of those provisions relative to the City's Code and there was a request by Michael to change our code to make it more like the Pinellas County Code. He provided both the Dunedin Code and the County Code in order for the committee to review and advise him whether or not that is where the committee wants to go with open burning or are they satisfied with the Dunedin Code as it exists.

Tom advised the direction from the last meeting was in Sec. 38-35 where it used to say, private fire hydrants would be painted chrome yellow; now it will say private hydrants are to be painted red.

Mike noted the issue was that people were painting the hydrants to be more decorative.

The ORC decided to put this on the agenda for February.

Chapter 42, Human Relations. Mike stated they wanted to add a General Purpose Section, add in definitions about discriminatory practice and add a powers section for the City.

Denise advised that was seen in the minutes with the exception of the discriminatory one that was not mentioned at the time.

Add a General Purpose Section: The general purposes of the Human Relations ordinance are to secure for all individuals within the city freedom from discriminatory practice and to comply with the necessary state and federal regulations.

Add in the definitions section: "Discriminatory Practice" means any practice made unlawful by the Florida Civil Rights Act of 1992.

Add a Powers section: Within the limitations provided by law, the City shall have the following powers:

To promote the creation of and to provide continuing assistance to local commissions on human relations and to cooperate with individuals with state, local or other agencies.

To adopt, promulgate, amend, rescind rules to effectuate the purposes of this ordinance.

The ORC had no problem with the memo.

6. NEXT MEETING: February 4, 2019

The ORC identified the Chapters to be discussed on February 4, 2019. They included:

- Chapter 22, Code Enforcement
- Chapter 50, Miscellaneous Offenses
- Chapter 54, Parks and Recreation
- Chapter 58, Pensions & Retirement
- Chapter 66, Solid Waste
- Chapter 78, Utilities
- Chapter 86, Waterways

Tom explained all the chapters need to be done in February because he and staff need to come back to the committee in March with the draft report and he would like to use that last month.

6. Next Meeting: February 4, 2019

7. Adjournment

The meeting adjourned at 7:53 p.m.

NOTE: An audio copy of this meeting was completely recorded and is in the official file.



Mike Bowman
ORC Chair

Attest:



Denise M. Kirkpatrick
City Clerk