



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

MONDAY, MARCH 4, 2019

6:00 P.M.

ORDINANCE REVIEW COMMITTEE AGENDA

1. Call To Order
2. Roll Call
3. Draft January 7, 2019 and February 4, 2019 ORC Minutes
4. Public Input
5. Topics
 - A. Chapter 54, Parks and Recreation
 - B. Chapter 78, Utilities
 - C. Chapter 74, Traffic & Vehicles
 - D. Chapter 82, Vehicles for Hire, *Sec. 82-31, Sec. 83-38 & Sec. 82-43*
 - E. Chapter 66, Solid Waste, *Sec. 66-1 Definitions – Correct Refuse definition*
 - F. Chapter 86, Waterways, *Sec. 86-103, Major repairs*
6. Next Meeting: April 1, 2019
7. Adjournment

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

DUNEDIN, FLORIDA
MINUTES OF THE ORDINANCE REVIEW COMMITTEE MEETING
MARCH 4, 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 Kathy Carlson Manny Koutsourais Patricia Morea Eric Peterson	Absent:	Grant Painter, Vice-Chair Jen Welch
-----------------	---	----------------	--

Staff: Thomas J. Trask, City Attorney
Denise M. Kirkpatrick, City Clerk
Lanie Sheets, Parks and Recreation Administrative Superintendent
Paul Stanek, Assistant Director of Public Works & Utilities

1. **Call to Order**

2. **Roll Call**

3. **Draft January 7, 2019 and February 4, 2019 ORC Minutes**

January 7, 2019

MOTION: Motion was made by Manny and seconded by Kathy to approve the ORC minutes of January 7, 2019 as presented.

VOTE: Motion carried unanimously.

February 4, 2018

Manny advised he found an error in the February 4, 2019 minutes, but at this time he could locate where it was. He will contact Denise if he finds it.

MOTION: Motion was made by Pat and seconded by Eric to approve the ORC minutes of February 4, 2019 as presented.

VOTE: Motion carried unanimously

4. **Public Input** - None.

5. **Topics**

5.A. **Chapter 54, Parks and Recreation**

Eric advised it's time to at least consider including "ebikes" as another type of powered vehicle and he noticed other cities are addressing them. Ebikes are starting to attain some pretty impressive speeds:

Class 1 ebike 20 mph

Class 2 ebike 20 mph and are allowed to have tires that can do trail damage.

Class 3 ebike 28 mph and in many states not allowed on the roadway or on bicycle paths.

Eric suggested to amend Section 54-4(f) to include ebikes.

Sec. 54-4. Vehicles and traffic control.

- (f) Miscellaneous motorized vehicles or motorized conveyance. No person shall operate any motorized vehicle or motorized conveyance including, but not limited to motorized scooter, motorized skateboard, go-cart, all-terrain vehicle, golf cart or electric cart vehicle in any park, except in areas designated for such use, or if permission is granted by the department. The prohibitions herein shall not apply to an electric personal assistive mobility device to the extent authorized by state law.

Eric also commented where do we draw the line for at-place deliveries like Uber-Eats? It's written down for limiting sales in a public area from a vehicle.

How descriptive do we have to be; do we start looking at the future. Now we have app-based sales that can happen quite common the merchant at app-based businesses is growing and was wondering if it should be considered in Sec. 54-8(b).

Sec. 54-8. - Commercial activities on any public land belonging to the city.

- (b) The placement of any stand, cart, or vehicle for the transportation, sale or display of any articles of food, beverage on any public land belonging to the City is also prohibited.

Lanie advised this came up when Dominos started delivering to the Causeway and set up. The City's Concessionaire on the Causeway wanted the Sheriff's to enforce no deliveries of pizzas on the Causeway. Lanie advised this wasn't something we were looking to enforce from a Parks and Recreation standpoint. Other things that may be app or website-based like kayak rentals where a business delivers a kayak, we do enforce those types of operations, but we don't enforce pizza deliveries.

Tom advised when he was asked to give an opinion on it, because that was really happening; we were getting complaints from Sail Honeymoon.

It was his opinion the City should not regulate it, because who do you regulate the person delivering it, the person selling it or the person buying it. How do you enforce it, because it may take 30 to 60 seconds to complete the transaction, which is very difficult to enforce. It was his opinion at that time that the City should not try to regulate those transactions. He stated the Kayaks are already in Section 54-8(a)(3) relating to rental equipment.

Lanie advised she will be looking into researching ebikes. She knows a lot more people are getting ebikes for personal use and she is sure people are using them on the Pinellas Trail and we may want to permit that, but off trails might be a different story. But we can have that discussion within the department. Lanie advised she rented an ebike in Seattle and it was fantastic, because the land was very hilly there.

Lanie advised we need to look at people leaving personal effects in the parks. People are building picnic tables, erecting their own memorials, etc. We have provisions about leaving things at the base of trees. Tom suggested adding a subparagraph (e) in Section 54.5 titled "Protection of property, facilities, flora and fauna."

Tom advised some cities on the beaches have provisions like that (i.e. don't leave you lawn chairs, popup tents, etc.), because when they get damaged, people usually leave them behind.

Eric supported creating a subparagraph (e). Tom advised he will work with Lanie and draft a short paragraph for the ORC to review when it is brought back.

5.B. Chapter 78, Utilities

Mike advised he met with Paul. Paul advised as far as any changes, he doesn't have any right now, but sometime in the future, yes. He stated he's been talking with Tom about some septic tank abatement. At some point in time they will work out the logistics.

But talking about septic tanks, Pinellas County just put in a \$2.4 million in Recreation to the State Legislators for Lofty Pines Estates, which is a septic tank community behind CVS off Main Street and Belcher. It is within our sewer district, but everything comes to us. There are 100+ single family homes, which go into our water shed and affects our water quality. Paul stated we're excited about that and hopeful we'll receive some funding and help those folks and our water quality. In that way, we want to get rid of all the septic tanks in Dunedin. So at some time we'll be coming back with edits to Chapter 78.

Paul advised the City just received a GMP from our design build consultant regarding the upgrades to the water treatment plant and so we're looking at a \$25 to \$28 Million loan.

Mike commented that means you update the Code as needed. Manny inquired if the City will waive the Lofty Pines Estates impact fees. Paul replied not in his book, it doesn't, they'll have to pay for somehow.

Manny inquired what is the purpose of the Grant. Paul replied it will cover everything, the entire structure that isn't even there (i.e. pipes, connections, everything that leads up to the lift stations and even making lift stations bigger).

Tom advised the key is, Lofty Pines Estates is not in the City limits. Lofty Pines Estates is in Unincorporated County and that is the big play. We don't want them to come in unless they pay and we don't want to take on the infrastructure involved. Tom advised they want to come in. Paul commented they call all the time.

After additional discussion, Paul commented there is no hurry to get it done – there is no October 1st deadline and he's thinking maybe around December.

Manny commented the only recommendation that he could suggest is to lower the fees.

Paul responded we have some of the lowest fees in the County; and we pride ourselves on that. We are looking at getting State Revolving Loans for that and looking at about 1.5% rate instead of what he saw today, which is 3.4% rate if you went to the bond market.

After additional discussion, Mike inquired if anyone had anything else to bring up under Chapter 78. Hearing no response, he stated they would move on to the next topic.

5.C. Chapter 74, Traffic & Vehicles

Tom advised this chapter was discussed in January where it was recommended to expand Section 74-111 definitions to include Segways, ebikes, hover-boards and other new technology modes of personal transportation. Eric advised he was looking forward at what may happen in the next 5 to 10 years with this new technology.

5.D. Chapter 82, Vehicles for Hire

Tom advised he did some research. Tom advised this chapter is pre-empted by the state.

Pat advised the Committee was going to revisit Sections 82-31, 83-38 and 82-43.

Eric inquired about the vehicles transporting people around the city. Tom said at this point advertising and tips pay for the service. Eric inquired whether it was a business or if the City

was subsidizing it; would it still be considered a vehicle for hire. Tom advised it all depends on who's paying for it and on the same subject mentioned Ferry's and other types of water transit. He advised Madeira Beach is paying the Hubbard's \$25,000 a year to transport people around Boca Ciega Bay and it is through a franchise agreement. Tom advised in Dunedin, the Tiki Taxi is operating for free and in a very limited area.

5.E. Chapter 66, Solid Waste, Sec. 66-1 Definitions – Correct Refuse definition

Kathy advised she wasn't at the meeting last month, but met with Bill Pickrum who advised when the city went to one pick-up a week service, the city rewrote Chapter 66.

With regard to the Section 66-1 Definitions, Bill had no idea on how the definition of "refuse" came about, but suggested it be amended to read:

Refuse means and includes all garbage, trash and yard waste excluding recyclable or recovered or recoverable materials.

The Committee accepted the recommendation.

5.F. Chapter 86, Waterways, Sec. 86-103, Major repairs

Mike advised Tom recommended replacing "slip owner" with "slip renter" throughout the Chapter.

Tom advised over the years we called them a lot of different things, but it obviously isn't the owners, it is the renters.

6. Next Meeting: April 1, 2019

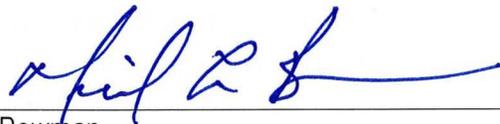
Mike inquired about what was left to review. Denise advised Greg is coming back with his recommendations for Chapter 6 Alcoholic Beverages and Chapter 22 Code Enforcement. Lanie and Tom were going to address motorized vehicles in Chapter 54 Parks and Recreation.

Tom inquired if the Committee was aware that Denise asked for a 90 day extension to allow the ORC to finalize its recommendations and prepare the report. The committee was happy to hear that.

7. Adjournment

The meeting adjourned at 6:55 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