

**MINUTES — OCTOBER 13, 2020
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, OCTOBER 13, 2020**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence in memory of the COVID-19 patients.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Philip J. Hanna, Commissioner Diane Flagg, Commissioner Edward G. Hoofnagle, Commissioner Joe McCall.

OTHERS PRESENT: City Manager Brently Gregg Mims, City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

1A. Pinellas County Sheriff's Office. (Written report submitted)

The Pinellas County Sheriff's Office (PCSO) submitted a written Crime Analysis Report for the month of September 2020 for the City of Indian Rocks Beach.

1B. Pinellas Suncoast Fire & Rescue District: (Written report submitted):

The Pinellas Suncoast Fire and Rescue District submitted a written report for the month of September 2020.

Mayor-Commissioner Kennedy congratulated Chief Burton on his third anniversary with the Fire District.

2. PUBLIC COMMENTS.

Phil Wrobel, 112-13th Avenue, stated instead of sending out postcards and emails for advertising upcoming agendas items and general information on City events, the City should use the back of the City's quarterly newsletter because all residents receive the newsletter, and not all residents are signed up to receive the City's emails.

City Manager Mims stated the newsletter has to be submitted to the publisher one month ahead of publication. With the last newsletter, he stated it was a deadline issue, and the

City is will mail out a postcard to advise the residents of the upcoming ordinances that will be on the November City Commission Meeting.

John Thayer, 1819 Bay Boulevard, spoke on the proposed parking ordinance. He stated the City is trying to solve a non-resident beach parking problem and stated the issue only affects residents of the first couple blocks east of Gulf Boulevard. The City sought community feedback at a workshop in the middle of the afternoon during a pandemic with their first attempt at using Zoom. There were only two options (Option A-Increase parking fines and Option B-Resident Parking only from 8:00 a.m. to 5:00 p.m. on side streets) given by the City Manager to consider. Option A has largely been implemented with the installation of no parking signs all over the affected areas.

Mr. Thayer asked the City Commission not to jump on Option B, the proposed ordinance.

Michael Campbell, 80 Gulf Boulevard, spoke on occupancy standards. One of the earliest things that cities have the power to do is regulate the density of occupancy of dwellings. His friends had found that their house's market value decreased because when they tried to move away from a party house that was consistently being rented out to too many people.

Mr. Campbell suggested a very inexpensive license that was not designed to raise money but was designed to obtain control of the situation.

Heather Boles, 722-1st Street, stated 17 vehicles were parked at an Airbnb this weekend on her street.

Ms. Boles stated between 8th and 9th Avenues along 1st Street, there are "no" no parking signs, and questioned why there were no signs at that location.

3A. REPORTS OF the City Attorney.

OCCUPANCY/SHORT-TERM VACATION RENTALS

City Attorney Mora stated when the City Commission discussed and adopted an ordinance on short-term vacation rentals, the City Commission took a more cautious approach when drafting and adopting an ordinance for short-term vacation rentals.

City Attorney Mora stated that occupancy is a more robust regulation available, and the City Commission did discuss this issue on several occasions. He stated under Florida Statutes, the City can regulate occupancy, and he had said nothing to the contrary.

City Attorney Mora stated as the City Commission discussed occupancy, he raised two core concerns. He represents communities on the west coast that have received nearly

\$26 Million in claims under the Bert Harris Act for various regulations, most specifically those dealing with occupancy restrictions. For example, a community was challenged on occupancy; two persons per bedroom not to exceed "x" number and have thus far been upheld in the courts and have prevailed because the occupancy restrictions were built into their comprehensive plan. He advised that the City does not have occupancy restrictions built into its comprehensive plan.

City Attorney Mora stated there is a statutory authority in Florida. He explained under the Constitution that if the government takes a person's property, the government must pay the person for it. By statute in Florida, there is an added level where if the government causes a diminution in a person's reasonable investment back to the expectations of the person's property, and the government causes a diminution in value as evidenced by a bona fide valid appraisal, then a person may be compensated for that diminution invalid. He stated attorneys for the plaintiffs have said regulations like this that are intended to address ancillary aspects of rentals can create those suits. Whether those are successful will depend on a judge to judge and ultimately on appeal.

City Attorney Mora stated the other concern was are occupancy restrictions enforceable. The challenge with enforceability is an administrative one. One, how does the City authenticate the appropriate occupancy, and second, how does the City determine if there is a violation. There are added concerns about fire safety and the like, but that is for the fire safety element to regulate, and the City Commission and the Pinellas Suncoast Fire and Rescue District have had those discussions.

City Attorney Mora reiterated it is not unlawful to regulate occupancy for short-term vacation rentals.

City Attorney Mora stated in communities where occupancy regulations have been the most successful, those communities have on the front end their own separate vacation rental certificate, not the business tax receipt, but a vacation rental certificate. As a part of obtaining the certificate, the City does a complete inspection of the property, determines how many areas within the property meet the definition of a bedroom, and then allots occupant space based on what their ordinance states per bedroom and then there is a sticker on the door that says this number of occupants based on this many bedrooms. He stated that was a level of resources and administrative concern that the City did not intend to add at that time.

3B. REPORTS OF the City Manager.

City Manager Mims reports on the following issues and projects:

Perpetual Beach Easements. The Army Corps of Engineers is requiring on beach renourishment projects (nationwide) a perpetual beach easement from property owners

that live along the beach. Approximately a year ago, Pinellas County sent out 181 letters with a detailed legal document asking beachfront property owners to sign the perpetual easement. The purpose of the detailed document was to explain to the property owners that the Corps would not do any beach renourishment project until 100% of the easements were signed. Out of the 181 easements for Indian Rocks Beach, only 71 easements have been signed and returned to Pinellas County.

City Manager Mims stated the Corps has determined that 100% of the easements are needed before any beach renourishment project could begin. If one person does not sign, the beach renourishment project does not go forward.

City Manager Mims stated, in previous years, all the way back to the 1980's, no one questioned the need for easements.

City Manager Mims stated Pinellas County is trying to go through the U.S. Senator now to pass a bill to exempt Pinellas County from the Corps perpetual easement requirement.

City Manager Mims stated Clearwater Beach and Belleair Beach are the only two cities that have received 100%.

City Manager Mims stated over the next couple of months, Pinellas County said they would meet as many times as the public or elected officials want to meet to address questions and try to clear up whatever issues property owners might have.

City Manager Mims stated if the Corps does not come off their position that 100% of beachfront property owners have to sign these easements, they will not place sand on the beach.

City Manager Mims stated he could not imagine that a two and half mile beach with no sand or very little for the beachfront property owners and non-beachfront property owners and how that is not going to affect property values and other things.

Gulf Boulevard Undergrounding of Utilities Project. The new light poles are starting to be installed, and the project should be completed by the end of November/first of December. There will be no holiday decorations from Walsingham Road south because of the construction work.

FY2021 Budget. Available on the City's website and went into effect on October 1st.

Reconstruction of LaHacienda Drive Project. The project has started.

Campalong Baseball Field Lighting Project. The project consists of replacing all the lighting with LED lighting. The City is pursuing two different grants to help fund part or all of this project. Currently, it is funded through the CIP Budget.

Beach Toy Boxes. The Take-A-Toy Leave-A-Toy Boxes encourage families to reuse beach toys and, at the same time, assist in keeping the beach clean. IRB Greentown Kids have partnered with the City to monitor the boxes and interact with the public on the importance of reuse and keeping the beach clean. The public is encouraged to donate clean, slightly used beach toys as part of this effort. Beach Toy boxes are located at the 4th, 8th, 17th, 22nd, 24th, and 27th IRB Beach Accesses.

IRB Halloweenfest. Has been canceled due to COVID-19.

IRB Greentown Kids Pumpkin Patch Drive-Thru. On Thursday, October 15th, from 5:00 p.m. to 7:00 p.m., the City and the IRB Greentown Kids will host a "Pumpkin Patch Drive-thru" for residents and their children at City Hall, to take home a free pumpkin and a treat for the kids.

Citywide Garage Sale. Weekend of November 21-22, 2020.

Pinellas County Gulf Boulevard Pedestrian Study. Stated, in response to an email, that Gulf Boulevard is a County road, and it depends on the County's schedule and budget. Pinellas County has completed the pedestrian crosswalk markings on the east side of Gulf Boulevard and will also do the west side. As far as implementing the rest of the plan, Pinellas County will not close up the three existing pedestrian island crosswalks/medians and build the eight new crosswalks until Gulf Boulevard is resurfaced.

November 10, 2020 City Commission Meeting. The following ordinances are scheduled for the November 10, 2020 City Commission Meeting, for first reading: (1) On-street parking, (2) Parking fines, (3) No trace (items left on the beach), and (4) Park hours.

Florida County & City Managers Association Presentation. During the November 10, 2020 City Commission Meeting, the FCCMA will be recognizing the City on its 50th Anniversary of the Commission/Manager form of government.

Commissioner McCall asked who are receiving the informational postcards.

City Manager Mims replied the postcards are sent out to homes of registered voters.

3C. REPORTS OF the City Commission.

COMMISSIONER FLAGG

- Stated she would like to coordinate an in-house meeting regarding the perpetual beach easements.

COMMISSIONER HOOFNAGLE

- Stated Pinellas County will never receive 100% on the perpetual beach easements. He has had some conversations with some of the holdouts, and they will not sign the easements.
- COVID-19 has placed a challenge on the City Commission and City staff to continue enhancing ordinances, and he thinks staff has done a great job despite some of the feedback discussed this evening. He has received a large amount of correspondence from the public concerning parking. He is glad that the message got out, and he is glad the public has had a chance to comment. He thinks it is constructive as the City Commission discusses and passes the parking ordinance.

MAYOR-COMMISSIONER KENNEDY

- Stated she wants to find out who exactly wrote the perpetual easements from the Corps, and even Pinellas County did not know who wrote the easements. She stated she talked with Steven Cary, District Director, Congressman Crist Office, and advised him of the dilemma with the beach easements. Congressman Crist has agreed to talk to the Corps about the easement that seems to be the problem for the property owners who do not want to sign the easement. She reiterated this is out of the City's hands. This is in the hands of the County, State, and Federal government.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. CONFIRMING ACTION taken during the September 17, 2020 Special City Commission Meeting.**
- B. APPROVAL of the September 3, 2020 Special City Commission Meeting Minutes.**
- C. APPROVAL of the September 8, 2020 Regular City Commission Meeting Minutes.**
- D. APPROVAL of the September 17, 2020 Special City Commission Meeting minutes.**
- E. AUTHORIZING the City Manager to enter into a Contract for Audit Services with MSL, P.A., for Fiscal Years Ending September 2021 through 2025.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Items 5A through 5B, by title only.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER FLAGG, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5E, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

6. PUBLIC HEARINGS: None.

7A. ORDINANCE NO. 2020-04 — FIRST READING.

An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 15 – Schedule of Fees, Article III – Planning/Zoning/Land Use, Section 15-21 – Site Development Plan Review Fees, Distinguishing Fees based on commercial, multifamily, or single family properties, including engineers as consultants to be paid by applicant if required; providing for legislative findings, and providing for an effective date hereof.

(Beginning of Staffing Report)

BACKGROUND:

The City of Indian Rocks Beach currently determines the schedule of fees for site development plan review in Section 15-21 of the Code of Ordinances of the City of Indian Rocks Beach.

The fees associated with reviewing site plans vary based on the size and use of the property, which is not currently reflected in the City Code.

The City Commission desires to distinguish the site review fees depending on the use of the property, be it multi-family, commercial, or single-family.

The costs associated with engineering consultants are better attributed to the applicant.

ANALYSIS:

Amendments to Section 15-21, Site development plan review fees are as follows:

The following fees shall be paid in addition to any other fees where an application is filed requiring site development plan review services. The appropriate fees, costs, and other charges specified shall be submitted with, and paid at the time of, initial application submission or other initial document submission except otherwise specified in this Code.

- (1) Initial site development plan review for multifamily or commercial property. ~~\$800.00~~ \$1,000.00
- (2) Initial site development plan review for single family property \$500.00
- (23) Subsequent submittals to initial site development plan review 400.00
- (34) Site development plan amendment 400.00
- (45) Lot line adjustment (dividing an existing lot into two conforming lots) 200.00
- (56) Violation of the approved site development plan, conditions of approval, or installation of improvements, clearing, or other land alteration not depicted on or otherwise authorized as part of the approved plan, per violation. 2,400.00
- (67) When legal counsel ~~and/or an engineering consultant are~~ required by the city, actual cost of legal and consulting fees shall be paid by the applicant within 30 days after final site plan approval or prior to the issuance building permits.

(End of Staffing Report)

City Attorney Mora read Ordinance No. 2020-04, for first reading, by title only.

City Manager Mims presented the item, and reviewed the staffing report. He stated with this amendment, it clarifies that there is one fee for commercial and one fee for residential.

There were no public or City Commission comments.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2020-04, ON FIRST READING, AMENDING CHAPTER 15 – SCHEDULE OF FEES, ARTICLE III – PLANNING/ZONING/LAND USE, SECTION 15-21 – SITE DEVELOPMENT PLAN REVIEW FEES, DISTINGUISHING FEES BASED ON COMMERCIAL, MULTIFAMILY, OR SINGLE FAMILY PROPERTIES, INCLUDING ENGINEERS AS CONSULTANTS TO BE PAID BY APPLICANT IF REQUIRED; PROVIDING FOR LEGISLATIVE FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

ROLL CALL VOTE:

AYES: MCCALL, FLAGG, HANNA, HOOFNAGLE, KENNEDY

NAYS: NONE

MOTION CARRIES UNANIMOUSLY.

7B. ORDINANCE NO. 2020-05 — FIRST READING.

An Ordinance of the City of Indian Rocks Beach, Florida, repealing § 74-1 of the Code of Ordinances concerning the prohibition of certain fishing activities; making related findings; and providing for codification, severability, and an effective date.

(Beginning of Staffing Report)

BACKGROUND:

Section 74-1 of the Indian Rocks Beach Code of Ordinances (the Code) has, for at least four decades, prohibited shark or spear fishing within 1,000 feet of the beach, and surf fishing on the beach in close proximity to swimmers.

In 1973, Florida Statutes § 379.2412 was created to “expressly reserve to the state” the power to regulate taking or attempting to take saltwater fish, with the exception that a local government may prohibit saltwater fishing from real property owned by it, for reasons of protecting the public health, safety, or welfare.

Since 1998, § 9 of Article IV of the Florida Constitution consolidated regulatory and executive authority over marine life within the Florida Fish and Wildlife Conservation Commission (FWCC), subject to complimentary legislative enactments by general law on the subject of hunting and fishing.

In *Bell v. Vaughn*, 155 Fla. 551, 21 So.2d 31 (1945), the Florida Supreme Court held that even under the State’s predecessor Constitution, a municipal ordinance regulating fishing within city limits were preempted by state authority over that activity.

The City desires to ensure that its Code does not contain provisions which have been preempted to the State or are otherwise unenforceable due to state law; and

ANALYSIS:

Staff is recommending repealing Section 74-1 of Article I of Chapter 74 (Waterways) of the Indian Rocks Beach Code of Ordinances in its entirety.

~~Sec. 74-1. Fishing on or near beach. Reserved.~~

~~(a) Shark fishing. Shark fishing is prohibited on and within 1,000 feet of the beach. Shark fishing is permitted beyond 1,000 feet from the beach between sunset and sunrise.~~

~~(b) Surf fishing. Surf fishing is prohibited upon any beach within the corporate limits of the city in close proximity to swimmers.~~

~~(c) Spear fishing. Spear fishing is prohibited upon any beach within the corporate limits of the city or within 1,000 feet of any beach within the city.~~

~~(Code 1980, § 4-15; Code 1989, § 11-53)~~

(Ending of Staffing Report)

City Attorney Mora read Ordinance No. 2020-05, for first reading, by title only.

City Attorney Mora stated that while the City has been aware of this more generally for some time now, it is often prudent to bring the City Code into conformity with Florida Statutes. The City has not been citing anybody for violations for these issues, such as shark fishing, for some time now. In part because Florida Statutes states those waters are not city waters, and, therefore, beyond the City's jurisdiction to regulate the activities that take place in the water. So with that, this ordinance proposes to remove those for two reasons: (1) to align them with Florida Statutes, and (2) not to give the false impression to residents or visitors that the City will be enforcing something that it cannot.

Commissioner Hoofnagle asked if someone has asked the City to remove this from the City Code or is the City being proactive.

City Attorney Mora stated the City has not cited anyone under this section of the City Code and then been challenged in the course of proceedings. The City has had residents come forward and ask why this is in the City Code, and it should not be in the City Code based on Florida Statutes.

City Attorney Mora stated there have been incidents in the past where residents have made complaints of certain activities. He advised the City Manager of what is and is not the City's enforcement capacity. He stated the City has chosen within prosecutorial discretion not to pursue such matters. Rather than put management in that kind of difficult position having something in the City Code that cannot be enforced, the prudent measure going forward was to remove the language.

Mayor-Commissioner Kennedy stated this is another pre-exemption from the State that has taken the City's ability to govern the City in how the City Commission sees fit. In this case, it is shark fishing.

City Attorney Mora stated that just so the City Commission is clear, this is not something that has come down in the last couple of sessions, and stated this also has to do with regulating activities in the salt waters beyond the cities' beaches.

Mayor-Commissioner Kennedy opened the public comment session for this agenda item.

Jim Labadie, 316-10th Avenue, stated he understands that the State is saying that the City cannot regulate shark fishing from the shore, and asked if a commercial fisherman sets up on the beach, can the City shut them down.

City Manager Mims responded that the City does have the right to shut down a commercial business on the beach and stated the City has an ordinance that deals with commercial activity on the beach.

City Clerk O'Reilly stated Ana Ponce DeLeon, a student from St. Petersburg College, submitted an email, providing her recommendation and explaining why she would like the City Commission to deny Ordinance No. 2020-05.

Mayor-Commissioner Kennedy closed the public comment session.

Commissioner Hoofnagle stated this is another assault on the City's home rule capabilities. He would rather send a letter to the State that this kind of activity would result in taxing the City's first responders. If this causes an injury, it affects the City's local ability to manage first response. He thinks the State should rescind it. He is not inclined to support it. It has been here for a long time. He does not think it is a good idea that the City give in to State overreach without pushing back to protect the City's rights.

Vice Mayor-Commissioner Hanna stated when he was on the Beach Management Committee, the Committee had discussions about fishing from the beach. The one thing that the Committee was concerned about was safety with swimmers and fishermen being in the same area. He still stands by that, and he feels that safety, especially when there is a commingling of recreational people and fishermen, can present a danger. The Committee discussed having a separate area where fishermen could go, and then came the argument of who was there first.

Commissioner McCall stated he does agree with Commissioner Hoofnagle and Vice Mayor-Commissioner Hanna on the home rule aspect. However, when he walks the beach in the mornings, he sees anywhere from 5 to 10 citizens line fishing, which is a great past time for this City. He has not heard of any shark attacks or hook issues, but honestly, that is one of the great past times of IRB.

Commissioner Flagg stated there is a distinction between shark fishing and residents doing everyday fishing. When she sees some of the sharks they bring in, she would not want her grandchildren swimming when they are shark fishing. If there is some way, the City can relate to the State to protect the swimmers from fishers. Fishing is no problem, but if a person is going to shark fish right off the beach in chum waters, she would like to see if this could be stopped if at all possible.

Commissioner McCall stated the State does prohibit chumming off the beach's shores, so that should not be an issue. If there are violations, they should be addressed through State law enforcement (FWC - Florida Fish & Wildlife Conversation).

Commissioner Hoofnagle stated he does not think that this prohibits the type of fishing that Commissioner McCall spoke of. If the only thing that could be contentious is the close proximity to swimmers, he thinks people would work that out throughout time. His issue is more of a ceding to the State without pushing back a little bit.

City Manager Mims stated a resident came to a City Commission Meeting and put the City on notice that Section 74-1 was not in compliance with Florida Statutes. That is why it is being repealed, plus the City cannot enforce that Code Section.

City Manager Mims stated as a separate item, the City could address home rule aggressively with the Pinellas County Legislative Delegation.

City Attorney Mora stated home rule is about regulating the land that is the City of Indian Rocks Beach. It is a long-held legal principle that the coastal waters are not part of the City. As the City Commission is talking about regulating 1,000 feet off the beach, the City Commission is no longer talking about the City, and it is outside of the City's home rule power. He stated the City Commission is talking about a Code provision that extends the City Commission's authority beyond its actual boundaries.

MOTION MADE COMMISSIONER MCCALL, SECONDED BY COMMISSIONER FLAGG, TO APPROVE ORDINANCE NO 2020-05, ON FIRST READING, REPEALING § 74-1 OF THE CODE OF ORDINANCES CONCERNING THE PROHIBITION OF CERTAIN FISHING ACTIVITIES; MAKING RELATED FINDINGS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Commissioner Flagg stated she would still like to pursue talking to the Pinellas County Legislative Delegation on the health and safety of people fishing on the shoreline next to swimmers.

ROLL CALL VOTE:

AYES: HANNA, FLAGG, MCCALL, KENNEDY

NAYS: HOOFNAGLE

MOTION CARRIED BY A VOTE OF 4 TO 1.

7C. ORDINANCE NO. 2020-06 — FIRST READING.

An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 62 – Traffic and Vehicles, Article III – Operation of Golf Carts, Section 62-40 – Golf Carts; amending the title of the section to include low-speed vehicles and micromobility devices; amending the section to align it with State Statutes; providing definitions for terms to be used in the section; providing for regulation of golf carts and low-speed vehicle operation on sidewalks; providing for the prohibition of micromobility scooters; providing for legislative findings, and providing for an effective date hereof.

[Beginning of Staffing Report]

The City Commission asked for a review and analysis of current Florida statutory restrictions and regulatory limits regarding golf carts. As to better understand and analyze the issues raised by this inquiry, this memorandum also analyzes municipal authority relative to low-speed vehicles (LSV), micromobility scooters (MM), and other alternative transportation.

I. EXECUTIVE SUMMARY

As detailed below, this seemingly easy inquiry is complicated by the patchwork tapestry of statutes used to regulate and make fine distinctions which are socially treated as being functionally the same.

Golf carts are motorized four-wheeled vehicles with a maximum speed of 20 miles per hour do not require insurance and do not require a driver's license.

Low-speed vehicles are four-wheeled vehicles, which in some cases resemble golf carts, but are capable of a maximum speed of 25 mph, require insurance and registration, and require the operator to have a driver's license.

Municipalities are limited in their ability to regulate golf cart operations, as they can regulate unlicensed drivers and may not require anything further than state statute permits. Municipalities are empowered to regulate and prohibit low-speed vehicles. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable.

While the City Code is currently silent on low-speed vehicles and micromobility scooters, the City does have statutory authority to enact ordinances that prohibit or regulate the operation of low-speed vehicles or micromobility scooters.

II. GOLF CARTS.

Golf Carts are motorized four-wheeled vehicles with a maximum speed of 20 miles per hour that are allowed to travel on certain roads with a posted speed limit of 30 miles per hour or less. By statute, golf cart operators must be at least 14 years old, but are not required to be registered or insured. State statute and the Florida Attorney General opinions hold that while municipalities may regulate some golf cart operations, these regulations may only apply to unlicensed drivers. Further, as there is no requirement that a golf cart operator has a driver's license, a municipality may not enact an ordinance that requires a driver's license to operate a golf cart or even a seat belt.

A. FLORIDA STATUTES

Florida Statute defines golf cart as “[a] motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.” [§316.003(26), F.S.] Another section of Florida Statutes also define golf carts as “[a] motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational and that is not capable of exceeding speeds of 20 MPH.” [§320.01(22), F.S.]

A separate statutory provision addressing the operation of golf carts on certain roadways and general prohibitions and regulations of the operation of golf carts also offers relevant insight [§ 316.212, F.S.]. While generally the operation of golf carts on public roadways is prohibited, “[a] golf cart may be operated only upon a county road that has been designated by the county, a municipal street that has been designated by a municipality, or a two-lane county road located with the jurisdiction of a municipality, for the use of golf carts. [§ 316.212(1), F.S.]. Further, golf carts may only be operated on roads with a posted speed limit of 30 mph or less. [§ 316.2126(1)(c), F.S.]. According to Florida Statutes, golf carts may only operate on sidewalks under the following conditions: if provided by municipal ordinance, the sidewalks are eight feet wide, and if the top speed of golf carts on the sidewalk is 15 miles per hour. [§ 316.212(8), F.S.].

While golf carts are not required to be licensed or insured, a golf cart may not be operated on public roads by any person under the age of 14. [§ 316.212(7), F.S.]

Continuing, golf carts may only be operated between sunrise and sunset, unless the county or municipality has determined that golf carts may be safely operated outside those hours and golf carts have headlights, brake lights, turn signals, and a windshield. [§316.212(5)]. Local governments may enact an ordinance relating to golf cart operation and equipment that is more restrictive than Florida Statute, but the ordinance may only apply to unlicensed drivers, and the municipality must post signs regarding the more restrictive golf cart ordinance. [§ 316.212(8)(a), F.S.]

Violations of § 316.212, F.S. (golf cart operating Florida Statute) are considered noncriminal traffic infractions punishable as a moving violation. [§ 316.212(9)]. Violations of golf cart ordinances enacted to § 316.212, F.S., are also punishable by local ordinance.

B. PERSUASIVE AUTHORITY: ATTORNEY GENERAL OPINIONS

Attorney General opinions are not binding legal precedent, but can offer valuable insight into how the executive branch of the state has interpreted the enforcement of various statutory provisions.

In Florida Attorney General Opinion 2016-07, the Attorney General’s office responded to a series of inquiries on behalf of the City of Winter Garden. The Attorney General opined on several issues regarding the operation of golf carts within a municipality. Among other things, the Attorney General has held that a municipality may not prohibit the operation of a golf cart by an unlicensed driver. AGO 16-07.

As explained in AGO 16-07, § 316.212, F.S., previously had language that authorized local governments to enact more restrictive golf cart equipment and operation regulations than state law provides. However, during the 2005 Florida Legislative Session, House Bill 1697 (2005) was amended on the floor to add the term, “must apply only to an unlicensed driver.” This limiting language was added on the floor without debate. Without much legislative history, the plain language of the amended statute indicates that any regulations imposed by municipal ordinance on the operation or equipping of a golf cart on municipal streets is limited to unlicensed drivers operating golf carts. AGO 16-07.

AGO 16-07 further interprets § 316.212, F.S., by opining that state statute clearly authorizes unlicensed drivers to operate golf carts pursuant to § 322.04, F.S., and therefore, precludes a municipality from enacting an ordinance prohibiting the operation of golf carts by an unlicensed driver.

The Attorney General Opinion does state that a person with a suspended or revoked driver’s license would be considered an unlicensed driver under Florida Statute. AGO 06-17, and therefore, able to lawfully operate a golf cart.

In Attorney General Opinion 2003-58, the Attorney General’s office responded to an inquiry from the City of Cedar Key regarding equipment and operation of golf carts on municipal streets. The Attorney General opined that the City could not require additional safety equipment, or require mandatory inspection of golf carts. AGO 03-58. The opinion further clarifies that municipalities are preempted from requiring a licensed adult to accompany operators under the age of 16, or from enacting more restrictive age or licensure requirements. AGO 03-58.

C. CITY CODE PROVISIONS

Presently, the City Code regulates golf carts in Chapter 62 of the Code of Ordinances. The City Code states that golf carts must be equipped with headlamps, stop lamps, turn lamps, tail lamps, reflectors, brakes, rearview mirrors, windshields, and standard hop restraints.[Section 62-40(1) of the Code of Ordinances.] Because the City allows golf carts to operate between the hours of sunset and sunrise, this additional required equipment language is likely permissible under the City’s authority found in § 316.212(5), F.S.

The City Code also requires that golf cart operators must possess a valid driver’s license. [Sec. 62-40(2) of the Code of Ordinances]. This section is preempted by Florida Statutes and likely unenforceable as noted above. AGO 16-07 in conjunction with § 316.212, F.S. would prohibit the City from requiring driver’s licenses or raising the minimum age of golf cart operators. It would be advisable to amend this section of the City Code in light of statutory language and secondary legal authority.

III. LOW-SPEED VEHICLES

Low-Speed Vehicles are motorized four-wheeled vehicles with a maximum speed of 25 miles per hour that can often look very similar to golf carts. Low-speed vehicles require a driver's license to operate, must be registered and insured, and may only operate on streets with a posted speed limit of 35 mph or less (and therefore not on sidewalks). Municipalities currently have the authority to prohibit operation of low-speed vehicles on any road under their jurisdiction.

A. FLORIDA STATUTE

Florida Statute defines a low-speed vehicle as "any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 (federal safety standards) and § 316.2122 F.S." [§ 320.01(41), F.S.]

Section 316.2122, F.S., deals with the safety standards and operations of low-speed vehicles or mini trucks. Operations of low-speed vehicles are authorized on any road with the following restrictions:

- (1) A low-speed vehicle or mini-truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini-truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. (emphasis added).
- (2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- (3) A low-speed vehicle or mini-truck must be registered and insured in accordance with § 320.02, F.S., and titled pursuant to Chapter 319.
- (4) Any person operating a low-speed vehicle or mini-truck must have in his or her possession a valid driver license. (emphasis added).
- (5) A county or municipality may prohibit the operation of low-speed vehicles or mini-trucks on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

- (6) The Department of Transportation may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

As § 316.2122, F.S., only authorizes the operation of low-speed vehicles on certain public roads, low-speed vehicles are not permitted to operate on sidewalks. The Florida Department of Highway Safety and Motor Vehicles also permits the conversion of golf carts to low-speed vehicles by allowing golf cart owners to modify their golf carts to comply with low-speed vehicle statute restrictions.

B. ADDITIONAL LEGAL AUTHORITY

While there have been no AGOs interpreting the low-speed vehicle statute, one Appellate Decision from the Eleventh Circuit has stated that, under Florida law, low-speed vehicles are not “cars” for purposes of automobile insurance. In *State Farm Mut. Auto. Ins. Co. v. Baldassini*, 545 Fed. Appx. 842 (11th Cir. 2013), an insurer brought action seeking declaration that an automobile policy did not cover accidents that occurred while the insured’s daughter was operating an low-speed vehicle. The Eleventh Circuit held that, under Florida law, low-speed vehicles (and four-wheel electric vehicles) are not designed for main use on public roads and thus did not fall within the definition of “car” covered by insured’s automobile insurance policy.

C. CITY CODE PROVISIONS

Presently, the City Code does not define, regulate, or prohibit low-speed vehicles within the City.

As low-speed vehicles are separate and distinct from golf carts, it would be advisable for the City to amend City Code or enact a new ordinance to define, regulate, and enforce low-speed vehicle operation. The City has the authority to outright ban low-speed vehicles on municipal roads, or it could regulate them within the confines of the statute by requiring a driver’s license to operate, requiring registration and insurance, and prohibiting their operation on any roads with a posted speed limit greater than 35 miles per hour.

IV. ALTERNATIVE TRANSPORTATION

A. MICROMOBILITY DEVICES & MOTORIZED SCOOTERS

The 2019 Florida Legislature passed House Bill 453 (2019) which was a comprehensive bill related to micromobility devices (“MM”) and motorized scooters. Once signed into law, HB 453 created Chapter 2019-109, Laws of Florida, which amended

various sections of Chapter 316, Florida Statutes, (the Florida State Uniform Traffic Control laws) that deal with micromobility devices and scooters.

Micromobility devices are defined as: “any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.” [§ 316.003(38), F.S.]

Section 316.003(45), F.S. By comparison, the statutory definition of a “motorized scooter,” includes micromobility devices within its scope, encompassing: “[a]ny vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.”

HB 453 also amended § 316.2128, F.S., which is now titled “micromobility devices, motorized scooters, and miniature motorcycles, requirements.” Section 316.2128, F.S. that micromobility devices and scooter operators have all the rights and duties of bicycle riders except those found in § 316.2128(1), F.S. (child safety restraint requirements). Further, local governments are expressly authorized to adopt ordinances governing the operation of micromobility devices and motorized scooters on, “streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction.” [§ 316.2128(1), F.S.]

Similar to golf carts, micromobility devices and scooters are not required to be registered or insured. [§ 316.2128(2), F.S.] Operators of micromobility devices and scooters are not required to have a driver’s license.

The First District Court of Appeal recently issued an opinion regarding micromobility devices in Panama City Beach, holding that a City may prohibit the daily rental of micromobility devices without outright banning all micromobility devices. In *Classy Cycles, Inc. v. Panama City Beach*, 44 Fla. L. Weekly D2729 (Fla. 1st DCA Nov. 13, 2019), a motorized scooter vendor brought action against the City, challenging the validity of the City’s ordinances which prohibited motorized scooter rentals. The Circuit Court granted summary judgment in favor of city and the vendor appealed. The First District affirmed the lower court’s ruling holding that the municipal ordinances which prohibited night rentals of motorized scooters, and which imposed a general prohibition against all motorized scooter rentals after a certain date, were not arbitrary or unreasonable for only prohibiting rental rather than operation of scooters, and therefore the ordinances were valid pursuant to rational basis analysis. Id.

The City Code does not presently define, regulate, or prohibit micromobility devices or scooters. It may be advisable for the City to address micromobility devices or scooters, whether generally or in the daily rental scheme.

B. MOTOR ASSISTED BIKES & ELECTRIC BICYCLES

Currently, electric bicycles (“e-bikes”) fall under the statutory definition of a bicycle. Florida Statutes defines a bicycle as: “[e]very vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.”

Recently, the 2020 Florida Legislature passed House Bill 971 related to Electric Bicycles. HB 971 separately defines e-bikes as a “bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts.” If signed into law, HB 971 would create regulations governing the operation of e-bikes and provide that an e-bike or an operator of an e-bike must be afforded all the rights and privileges of a bicycle. The bill authorizes an e-bike to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, and bicycle lanes. However, local governments are authorized to regulate the operation of e-bikes on the prescribed areas. The bill is now awaiting the Governor’s signature. Its effective date, if signed, is October 1, 2020.

V. CONCLUSION

While golf carts and low-speed vehicles are similar in look and design, state statute treats them distinctly and municipal authority over each is varied. Municipalities are limited in their ability to regulate golf cart operation, as they can only regulate unlicensed drivers and may not require anything further than statute permits. Municipalities are empowered to regulate and prohibit low-speed vehicles and micromobility devices. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable. The City Code is currently silent as to low-speed vehicles and micromobility devices, but the City does have authority to prohibit low-speed vehicles and micromobility devices, or regulate them within the confines of Florida Statutes.

[End of Staffing Report]

PROPOSED ORDINANCE AMENDMENTS:

The following amendments are recommended to Section 62-40, Golf carts, low-speed vehicles, and micromobility devices.

Sec. 62-40. Golf carts, low-speed vehicles, and micromobility devices.

Golf carts and low-speed vehicles ~~equipped in the manner prescribed by~~ as defined in this section may travel on or cross the public roads or streets within the geographic boundaries designated areas described in this section, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts and low-speed vehicles is are hereby permitted in the City with the stipulations to include the following provisions:

(1) ~~*Required equipment.* A golf cart shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, a rearview mirror, a windshield, and standard hip restraints for all passengers.~~ *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) Golf cart shall mean a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreation purposes, and that is not capable of exceeding 20 miles per hour and that may only be operated on designated roadways with a posted speed limit of 30 miles per hour or less.

(b) *Low-speed vehicle* shall mean any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles and must comply with federal safety standards as found in 49 C.F.R. s. 571.500. Low-speed vehicles may only be operated on designated roadways with a posted speed limit of 35 miles per hour or less, must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking breaks, rearview mirrors, windshields, seat belts, vehicle identification numbers, and must be registered and insured with in accordance with § 320.02, Florida Statutes, and titled pursuant to Chapter 319, Florida Statutes.

(c) *Micromobility device* shall mean any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground.

(2) ~~*Golf cart and low-speed vehicle operators.* The golf cart operators must possess a valid driver's license pursuant to F.S. § 322.03. Any person operating a golf cart within the jurisdictional boundaries of the City must be at least 14 years old. Any person operating a low-speed vehicle within the jurisdictional boundaries of the City must have in his or her possession a valid driver's license.~~

(3) *Designated areas.* The "designated areas" encompassed by this authorization are the municipal streets of the city and the following Gulf Boulevard intersections:

8th Avenue

12th Avenue
15th Avenue
16th Avenue
17th Avenue
18th Avenue
19th Avenue
20th Avenue
21st Avenue
22nd Avenue
23rd Avenue
24th Avenue
25th Avenue
26th Avenue
27th Avenue

Legally conforming golf carts and low-speed vehicles may traverse the above intersections as described in the designated areas, but may not travel north or south on or alongside Gulf Boulevard.

(4) ~~*Golf cart defined.* The golf carts authorized for use are incapable of exceeding 20 miles per hour.~~ *Sidewalks.* Golf carts and low-speed vehicles may not be operated on any sidewalks with the jurisdictional boundaries of the city.

(5) ~~*Hours of operation.* Golf carts may only be operated during the hours between the sunset and sunrise and sunset well as during daylight hours~~ in the designated areas only. Golf carts may be operated after sunset if the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) *Penalties.* Violations of this article shall be enforced pursuant to or otherwise consistent with the provisions of F.S. § 316.212, F.S. § 322.03, and City ordinances by a law enforcement officer or city code enforcement officer as such officer's legal authority and jurisdiction allows. Code enforcement officers shall have the right to enforce all matters having to do with golf cart required equipment, the streets upon which golf carts may be operated, and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers.

(7) *Territory embraced.* This section shall apply only to the designated municipal-owned streets and Gulf Boulevard intersections identified in subsection 62-40(3) within the territorial jurisdiction of the city.

(8) *Pinellas County approval.* The city shall obtain the advance approval of Pinellas County for all golf cart crossings on Gulf Boulevard under county jurisdiction and any

related traffic control devices needed for safety purposes. No golf cart travel shall be allowed along Gulf Boulevard.

(9) Prohibition on micromobility devices. Micromobility devices may not be operated on streets, sidewalks, or sidewalk areas within the jurisdictional boundaries of the city.

City Attorney Mora read Ordinance No. 2020-06 by title only.

City Attorney Mora introduced the agenda item and reviewed his Staffing Report.

City Attorney Mora reviewed the definitions of golf carts and low-speed vehicles, safety standards, and regulations, according to Florida Statutes.

City Attorney Mora stated he has received some feedback and stated in the current draft it states: "Legally conforming golf carts and low-speed vehicles may traverse the above intersections as described in the designated areas, but may not travel north or south on or alongside Gulf Boulevard." As this ordinance was drafted, he stated it was drafted in a more restrictive manner that included the prohibition of low-speed vehicles on Gulf Boulevard. By Florida Statutes, low-speed vehicles could operate on Gulf Boulevard; however, by that same Florida Statute, if a municipality decides a street within its jurisdiction should not have them operate if they pose safety concerns, then it can make that restriction. Presently in the draft, golf carts and low-speed vehicles are not allowed to go north and south on Gulf Boulevard. This is a policy decision and could be changed by the City Commission.

City Attorney Mora stated this ordinance also addresses micromobility scooters, which is a term of art and is specifically defined. Micromobility scooters under Florida Statute are scooters that are part of a peer-to-peer platform registering. They are motorized transportation devices made available for private use by reservation through an "online" application, website, or software for point-to-point trips and which are not capable of traveling at a speed greater than 20 miles per hour on level ground.

Commissioner McCall inquired about regulations on motorized bicycles because they are starting to become more and more popular in the community.

City Attorney Mora stated he does not have the details on motorized bicycles, which was not part of this ordinance.

Commissioner McCall stated he has no problem with having low-speed vehicles on Gulf Boulevard because they reduce the number of cars on Gulf Boulevard and are good peplemovers.

Commissioner McCall asked why there are no Gulf Boulevard intersection crossings for golf carts after 8th Avenue.

City Clerk O'Reilly stated the City would need to obtain State approval for golf cart crossings on Gulf Boulevard. She stated Gulf Boulevard from Walsingham Road south is under State jurisdiction.

Commissioner Hoofnagle stated he is not clear on e-bicycles. The City Attorney's memo states that e-bicycles have to be afforded the opportunity to operate where bicycles are allowed. Then the next sentence states that local governments are authorized to regulate the operation on the prescribed areas. This issue that was brought before the City Commission was the operation of high-speed e-bicycles on the sand and the danger they pose to beach pedestrians, the fishermen, and other things. So, he is not clear from the memo if the City Commission would be able to address the operation of e-bicycles on the beach or not.

City Attorney Mora advised the City Commission that the Governor signed the Florida Statutes reference in June 2020. He is presently reading the enrolled text to make sure that it stays in a form that aligns with his memorandum references. His recollection of the ordinance before the City Commission addresses golf carts, low-speed vehicles, and micromobility devices, but it does not specifically address electric bicycles.

City Attorney Mora stated as e-bicycles were raised as a concern by the City Commission, but there was no discussion from the City Commission about further restricting their operation.

Commissioner Hoofnagle stated to be clear, the City Commission was not sure they could restrict e-bicycles on the beach.

Commissioner Hoofnagle inquired if the operation of low-speed vehicles along Gulf Boulevard north and south, is within the City's jurisdiction or not.

City Attorney Mora stated the statutory language reads as follows: "A county or municipality may prohibit the operation of low-speed vehicles or mini-trucks on any road under its jurisdiction if the government body of the county or municipality determines that such prohibition is necessary for the interest of safety."

City Attorney Mora stated Gulf Boulevard is within the City's corporation jurisdiction, whether it is under its jurisdiction as the City Commission has heard. As often as the City has encountered, the City cannot unilaterally do things on Gulf Boulevard, such as signs and the like. He stated that the issue is debatable as to how it is written. If the City means it to say that it is a road that is maintained, controlled, and inspected by the City, it is not. If jurisdiction is interpreted to mean within the City and within the area the City regulates, it is within the City.

Commissioner Hoofnagle inquired today, are low-speed vehicles allowed to go north and south on Gulf Boulevard.

City Attorney Mora responded yes; low-speed vehicles can go north and south on Gulf Boulevard.

Commissioner Hoofnagle asked if this proposed ordinance prohibits low-speed vehicles from traveling north and south on Gulf Boulevard.

City Attorney Mora stated the proposed ordinance includes language restricting low-speed vehicles from traveling north and south on Gulf Boulevard, which is presently not restricted.

Commissioner Hoofnagle asked the City Attorney if the City Commission gave him the guidance to prohibit low-speed vehicles from traveling north and south on Gulf Boulevard, and was there a consensus of the City Commission regarding the prohibition of low-speed vehicles on Gulf Boulevard traveling north and south.

City Attorney Mora stated he was not given chapter and verse direction on every single restriction in the draft ordinance. He took the consensus that he understood about maximizing safety and eliminating impediments to the flow of traffic on Gulf Boulevard and produce a draft ordinance for the City Commission to work with.

City Manager Mims stated he has no problem allowing low-speed vehicles to travel north and south on Gulf Boulevard.

Commissioner Flagg inquired about e-bicycles.

City Manager Mims stated he had received many calls regarding the growing number of issues with e-bicycles on the beach and stated this is an issue that needs to be addressed; either in this ordinance or in a separate ordinance.

City Attorney Mora stated he would like to prepare a separate ordinance on e-bicycles, so he has ample time to research and prepare the appropriate language.

Vice Mayor-Commissioner Hanna stated only non-motorized bicycles are allowed on the beach.

City Attorney Mora stated an electric bicycle is a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the rider's use, and an electric motor of less than 750 watts.

Mayor-Commissioner Kennedy opened the public session comment for this agenda item.

Mike Fowler, 102 Marcdale Boulevard, spoke in support of low-speed vehicles traveling on Gulf Boulevard north and south and requested that the prohibition be removed from the proposed ordinance.

John Thayer, 1819 Bay Boulevard, stated low-speed vehicles are not the problem, and they should be allowed to travel north and south on Gulf Boulevard. Golf carts are the problem. They do not obey the laws. They ride up and down on the sidewalks and in the bike lanes on Gulf Boulevard. People drive reckless on the golf carts and abuse the laws. He stated that more enforcement is needed with golf carts, or golf carts should not be allowed in Indian Rocks Beach if they keep disobeying the rules and regulations.

Phil Wrobel, 112-13th Avenue, stated golf carts were traveling on the sidewalks and in the bike lanes on Gulf Boulevard and stated the problem he sees is lack of enforcement. He stated he is surprised that a motorized vehicle is allowed on the beach, such as an e-bicycle, and he cannot believe Florida Statutes do not address motorized vehicles on beaches.

Todd Plumlee, 417-1st Street, stated low-speed vehicles are safer than golf carts, and he supports low-speed vehicles traveling north and south on Gulf Boulevard.

James Mills, 814-1st Street, stated that he is an owner of a low-speed vehicle. He and his wife enjoy going up and down Gulf Boulevard, visiting the restaurants and the beach. He believes that low-speed vehicles help with the City's parking issues. He supports low-speed vehicles traveling north and south on Gulf Boulevard. He believes that low-speed vehicles make the community feel "homey." There are not just cars going everywhere. He does have a problem when he sees six and eight people hanging off a golf cart.

Beth Fynn, 914 Harbour House Drive, thanked the City Commission for putting together this ordinance on golf carts. However, she still has a concern with the vacation rentals that have golf carts for renters. She is a big proponent of low-speed vehicles.

Mayor-Commissioner Kennedy closed the public comment session.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2020-06, ON FIRST READING, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE III – OPERATION OF GOLF CARTS, SECTION 62-40 – GOLF CARTS; AMENDING THE TITLE OF THE SECTION TO INCLUDE LOW-SPEED VEHICLES AND MICROMOBILITY DEVICES; AMENDING THE SECTION TO ALIGN IT WITH STATE STATUTES; PROVIDING DEFINITIONS FOR TERMS TO BE USED IN THE SECTION; PROVIDING FOR REGULATION OF GOLF CARTS AND LOW-SPEED VEHICLE OPERATION ON SIDEWALKS; PROVIDING FOR THE PROHIBITION OF MICROMOBILITY SCOOTERS; PROVIDING FOR LEGISLATIVE FINDINGS, AND DELETING THE WORDS “AND LOW-SPEED VEHICLES” FROM SECTION 62-40(3).

ROLL CALL VOTES:

AYES: MCCALL, FLAGG, HANNA, HOOFNAGLE, KENNEDY

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

CONSENSUS OF THE CITY COMMISSION FOR THE CITY ATTORNEY TO PREPARE A DRAFT ORDINANCE PROHIBITION E-BICYCLES ON THE BEACH.

8. WORK SESSION ITEMS [DISCUSSION ONLY]: None.

9. OTHER BUSINESS.

Phil Wrobel 112-13th Avenue, stated due to COVID-19, will the City have speakers outside broadcasting the November 10, 2020 City Commission Meeting.

City Manager Mims stated if the CDC COVID guidelines are still in place, the November 10, 2020 City Commission Meeting will be in-person and on ZOOM.

10. ADJOURNMENT.

MOTION MADE BY VICE MAYOR-COMMISSIONER HANNA, SECONDED BY COMMISSIONER FLAGG, TO ADJOURN THE MEETING AT 8:45 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

November 10, 2020
Date Approved

/DOR