

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, November 29, 2012

1:00 PM

City Hall, Ground Floor, Room 16

Public Safety Committee

*Commissioner Yvonne Hinson-Rawls, Chair
Commissioner Lauren Poe, Member
Commissioner Todd Chase, Member*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

ROLL CALL

ADOPTION OF THE AGENDA

The agenda was adopted as submitted by a vote 3-0.

APPROVAL OF MINUTES

[120582.](#) Approval of October 25, 2012 Public Safety Committee Meeting Minutes (B)

RECOMMENDATION *The Public Safety Committee approve the minutes of the October 25, 2012 meeting as submitted.*

The minutes were approved as written by a vote of 3-0.

DISCUSSION OF PENDING REFERRALS

[120206.](#) Roam Towing and the Appeals Process (B)

RECOMMENDATION *The Public Safety Committee discuss, and approve as appropriate, the proposed amendments to Chapter 14.5, of the Code of Ordinances.*

Assistant City Manager Paul Folkers informed the Committee that City staff met with representatives of the towing companies to discuss the proposed ordinance changes, as requested by the Committee. All changes were agreed upon with the exception of four areas. The following are the areas that will require further discussion by the Committee.

The first item the two sides did not agree upon was the wording on ordinance draft on page 7, Line 23 "no permit issued or permit can be revoked if convicted of, found guilty of or pled guilty or nolo contendere to, regardless of the adjudication of guilt for certain felony crimes." After discussing this wording the Committee voted 3-0 to keep the proposed language as written.

The second item in dispute was from the draft on page 11, lines 20-25 "argued against each tow violation being considered a separate offense and argued that a group of violations occurring in the same incident should be treated as one and only one (1) civil citation be issued. Also one owner opposed three separate sustained violations as being grounds for suspension and argued that tow companies should be given the option to post a surety bond." Commissioner Poe recommended that access to the valid property contracts be made available on line by the City, giving the towing companies ready access to see if properties have paid their fees and therefore current for trespass towing. If the property owner has not paid their fee, it would be known before towing takes place. The Committee voted 3-0 to change the language to read "for revocation purposes, all tows from a specific property

within a 24 hour period will be counted as one violation and the company must make restitution to those towed during that time," leaving the remaining wording as proposed in the draft ordinance. Assistant City Attorney Lee Libby will research wording from other cities on this issues and inform the members via email on what he finds on ways to word this specification. The Committee will also recommend the City Manager design a resource for open accessibility pertaining to towing contracts and payments.

Item three is from page 9, line 3 "definition of relative, and opposition to ordinance change that would prevent a tow company from being able to transfer a Roam/Trespass business or assets to a family member for violations of the ordinance." This proposed language is added to prevent a company from circumventing the City's system when they are cited for violations and suspended from Roam Towing for six months to a year within the City limits. The Committee voted 3-0 to keep the language as proposed with the exception of the use of "family member or relative", that the transfer of the business to anyone during a suspension is prohibited.

The final issue in dispute is on page 8, lines 17-22 "DUI preventing the licensing of a tow truck operator for Roam/Trespass towing or the renewing of a Roam/Trespass license." The discussion of this issue included a suggestion that if the driver could prove he/she was in a treatment program, they could be renewed for towing. Chief Jones commented that this would be beyond the police department's scope of authority. The Committee voted 3-0 to leave the language as proposed in the draft ordinance.

Staff's research on establishing fees determined there was no industry methodology. The fees in cities around the country were wide ranging from \$55 to \$300. The Committee voted 3-0 to move forward with the changes in the Roam Towing Ordinance without a recommendation on fees. Staff is requested to make a presentation to the full City Commission on the fee issue. The fees can be changed by Resolution and do not have to be included in the changes to the Towing Ordinance.

Business Owner Kevin Whitesides asked about the use of "spotters" if they are permitted by the City. He feels spotters on posted properties should be allowed. The Committee agreed to take out the restriction of spotter in the draft agenda.

MEMBER COMMENT

Committee Chair Hinson-Rawls brought up the meeting scheduled for December 11. It was determined that the appropriate City Attorney's Office staff are not available for that meeting and it is also the date for the Alachua County Legislative Delegation meeting. The Committee voted 3-0 to cancel the December 11 meeting and ask staff to schedule an additional meeting in January to discuss some of the Committee's pressing issues.

Chair Hinson-Rawls read an email she received regarding noise issues with boom boxes in the Pine Ridge neighborhood, specifically on NW 26th Terrace. The citizen also complained of break-ins and harassment. Commissioner Hinson-Rawls reached out to the Gainesville Housing Authority to seek their help, but found that the Pine Ridge neighborhood was not part of the GHA. Chief Jones stated that as for the boom box noise, there is not much GPD can

do. The State Legislature has turned down proposed legislation on the monitoring and penalties for loud boom boxes. Commissioner Chase has received information that a developer is considering putting in a youth center in the old Winn Dixie shopping center next to Pine Ridge, which would give teens somewhere to go instead of hanging out in Pine Ridge causing problems. Assistant City Manager Paul Folkers said that the City's Park and Recreation Department is working to put in a playground in Pine Ridge as well.

CITIZEN COMMENT

NEXT MEETING DATE

The December 11, 2012 meeting is canceled. There will be two meetings in January, one on January 24, 2013 at 1:30 p.m. and the second is to determined.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.