

The Joint Workshop of the Bay County Board of County Commissioners and the City Council of the City of Panama City Beach held on December 6, 2016 in the Commission Meeting Room, Bay County Government Center.

Minutes from Bay County are attached to and become an official part of the City's Minutes.



MINUTES
BAY COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING/WORKSHOP

DECEMBER 06, 2016
2:00 P.M. – COMMISSION MEETING ROOM,
BAY COUNTY GOVERNMENT CENTER

- I. Chairman Dozier called the meeting to order at 2:00 P.M.

The Deputy Clerk called the roll and all members of the Board were present as follows: Tommy Hamm, District I; Robert Carroll, District II; William T. Dozier, District III; Guy Tunnell, District IV; and, Philip Griffiths, Jr., District V.

The Invocation was given by Budget Officer Ashley Stukey.

The Pledge of Allegiance was led by Chairman Dozier.

- II. Presentation

- A. County Manager's Office

1. Transportation Network Companies Workshop

County Manager Robert Majka, Jr., stated that the Board had directed staff to review Transportation Network Companies, and that the two major brands most often heard were Uber and Lyft; expressed his appreciation to the City of Panama City Beach for information they had provided; defined a Transportation Network Company (TNC) as "any company that used any digital platform to arrange transportation of a passenger between points chosen by the passenger that is in connection with a digital platform controlled by a TNC" (City of Tallahassee Code of Ordinances Sec. 22-1, February 26, 2016); stated that the Board had a number of options, from repealing Bay County Code Chapter 26, Vehicles for Hire to remove all regulations for vehicles for hire, to modifying Chapter 26 to exempt TNCs from regulations, or to requiring compliance with existing regulations; and, he noted that even though TNCs were not currently identified, defined, or called out, it was Bay County's position that TNCs were currently regulated under the Code.

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County Manager Majka stated that further options would be to provide separate requirements and regulations for Transportation Network Companies (TNCs), to modify the existing regulations to make changes conducive for all, or to ban TNCs. He then read portions of Bay County Code Chapter 26 related to vehicles for hire as follows: Required an annual vehicle inspection by an ASE certified mechanic; required a Florida Department of Law Enforcement (FDLE) Level 1 statewide background check; required a National Sexual Offender/Predator database check (a part of the FDLE background check); required a State Motor Vehicle Record check (included in the FDLE background check); required driver identification/permit cards; included total driving hour restrictions; required vehicle permit stickers; required insurance to be in compliance with Florida law for vehicle liability insurance; a permit must be issued; that the current ordinance had no section addressing TNCs; provided for reciprocity with other jurisdictions in the County that had ordinances, such as Panama City, Panama City Beach, and the Airport Authority; and, required a medical examination and drug testing.

County Manager Majka stated that they had invited all the municipalities to be present that day.

III. Public Participation (Remarks are limited to items on the workshop agenda, and limited to three minutes)

Chairman Dozier asked the public to take into consideration what was being said so as to not repeat previous comments.

Ray Santoli, 2508 W. 12th Street, Apt. A, stated that the matter could be a rubber stamp thing, and that research could be done on what other cities were doing with codes and issues.

Sam Wolf, 2313 W. 33rd Street, stated that there were gaps in public transportation that could be filled; that parking was becoming a crucial component in pedestrian destinations; and, that citizens should have the option to choose.

Bernie Thompson, 8317 Front Beach Road, spoke on County regulations that made it illegal for an inebriated individual to park their vehicle overnight and safely get home; and, on less regulation for all industry.

David Agosta, 6609 Pridgen Street, Callaway, stated that there was common ground if they worked to find it.

Sharon Owens, 228 S. Claire Drive, stated that over 50 social service agencies could provide drivers with credits and coupons; and, spoke on allowing the choice of Uber or a taxi service.

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Harry Albright, 18118 Panama City Parkway, stated that he was an H2O Taxi ride share company that had been operating in Bay County for three years; that taxis would still be needed in the community; and, that he was doing a large share of business due to his pricing.

Uber Technologies Public Policy Manager Stephanie Smith, 80 SW 8th Street, Miami, 33130, stated that Uber was a technology company to connect riders and drivers; that demand was clear in Bay County; asked for regulation consistent with modern ride sharing regulations and not antiquated taxi policies; stated that safety was their number one priority, with app driver information, cashless transactions, and real time feedback to ensure full accountability; that Uber used a nationally accredited background check provider, beginning with a social security trace, and national, state, and county level checks; that they carried indemnity insurance, including \$1 million in commercial liability during a prearranged ride; and, that she would be happy to provide additional information, speak with Commissioners, and answer any questions.

Anna Marie Morris, 129 N. Lakewood Drive, Parker; stated that consumers needed choices, and choice should be allowed in Bay County.

City of Lynn Haven Mayor Margo Anderson, 513 Tennessee Avenue, stated that Lynn Haven had recently passed an ordinance; that she was in favor of the least regulation possible; spoke in support of Uber's technology and the safety of the app, which would send a photo of the driver, car and tag, allowed on-line payment, and could share Google map route information with anyone she chose; that Florida's last legislative bill on ride sharing was 27 pages long, with too many regulations; and, she urged Bay County to move forward.

Jaylee Johnson, 240 Harmon Avenue, Apt. 102, stated that she had researched Uber; and, that the trolley took hours to get to some destinations.

Paulette Perlman, 839 Oak Avenue, spoke as a senior in the community; stated that downtown would be moving people to park at the marina and using a trolley to reach downtown to go shopping; and, that the trolleys were cumbersome.

City of Panama City Commissioner John Kady, 536 E. 4th Street, stated that Uber would lower costs and increase community access; that a County ordinance could be referenced by each municipality; that the State already registered vehicles and licensed drivers with insurance requirements; that the County should only regulate to the least extent possible; and, that many large cities already had Uber food and grocery deliveries.

Salah Awadallah, Fast Cab owner, stated that competition was good, but that the same regulations should apply to all; and, that Federal and State laws were not being followed by Uber.

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City of Panama City Beach Councilman Hector Solis, 17281 Front Beach Road, asked that the least restrictions be applied; stated that technology was already taking care of many items, including photo IDs, prices, etc.; and, that inspections, background checks, and insurance were fundamental and critical items that needed regulating.

City of Panama City Commissioner Billy Rader, 715 Frederick Street, stated that he had read the City taxi ordinance, which was 33 pages long; that they needed to level the playing field; that taxi drivers were over regulated; and, inquired if Uber was made workable in the community, would they be allowed on Airport property.

County Manager Majka stated that the Airport Authority was a separate jurisdiction; that Mr. Parker McClellan (*Northwest Florida Beaches International Airport Executive Director*) was in the audience; and that it was a separate jurisdiction under State law.

Maggie McDougal, 3913 Pisa Drive, spoke in support of Uber and becoming an Uber driver, and for fewer regulations.

City of Parker Mayor Richard Musgrave, 1354 Stratford Avenue, spoke on Parker moving to market based pricing for trash pick-up; stated that Uber had a flat rate and taxis could be cheaper; and, that he wanted regulations to be at the County level and be able to cover all municipalities.

Logan Whitehead, 835 Jenks Avenue, Red Cab and Yellow Cab owner, asked that regulations be revised; requested that his permits up for renewal be postponed until any changes took place; stated that they had flat rates; and, that he would like regulations on what was actually needed.

Phil Slagel, 8730 Thomas Drive, Unit 403, stated that his Atlanta, Georgia designated driver program was unable to come to Bay County due to prohibitive regulations; and, asked the Board to consider Uber for the tourism aspect, as well as for providing employment.

Justin Wilson, 5218 Beach Drive, stated that no one banned Uber from coming, but they did not want to follow the rules; that a person could apply and be permitted to drive a taxi by noon; that they had an app for almost three years; and, that Uber was planning to replace drivers with self-driving cars in the future.

Norman Bush, Affordable Limousine Service, 7920 Laird Street, stated that he wanted a level playing field; that regulations were for public safety, and there was no difference with Uber; and, inquired as to Uber's background checks and vehicle inspections, and if they would be providing regular updates.

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Northwest Florida Beaches International Airport Executive Director Parker McClellan, 6300 W. Bay Parkway, stated that the Airport was monitoring what the County would do; that they wanted what was best for the community and their passengers, and inspected vehicles for cleanliness and reliability; that they wanted to remain in partnership with the County and the municipalities, and would then provide information to the Airport Authority Board; and, that they received Transportation Network Company (TNC) questions on a regular basis.

In response to inquiries by the Board members, Mr. McClellan advised that Okaloosa County had created separate categories for shuttles/taxis and TNCs; that TNCs required less from airports than shuttles and taxis because they sat at the airport, while TNCs picked-up passengers with little interaction; that there was an airport access fee; that they had to follow County and State regulations; that the Legislature had been working on the issue, and he expected it would come up again; that there were two fees – a \$225 que fee per month per shuttle/taxi company, and a \$10 pick-up charge to park at a lot and meet passengers; that cars and drivers were inspected at additional cost; that Uber had auto age/complaint requirements to flag a car; that the Airport would still do random inspections of Uber cars by Airport police, just like taxis and shuttles; that any taxi could drop off; that taxis were subject to violation of policy and police enforcement, up to and including a trespass warning; that the Airport required anyone picking up passengers to be permitted by the Airport; that by Federal law, the Airport was allowed to charge an access fee because it was run like a business and had no taxing authority; and, that to lower or remove the fee would result in significant financial impact to the Airport.

Chairman Dozier then closed the Public Participation portion of the meeting.

County Manager Majka stated that there were multiple jurisdictions that had multiple regulations; that the City of Panama City Beach had provided a matrix of vehicle for hire requirements from jurisdictions within Bay County and from around the State where Transportation Network Companies (TNCs) operated, as well as the components found within the ordinances; that those components ranged from vehicle inspections, driver background checks, sexual offender/predator checks, motor vehicle record checks, driver identification or permit card requirements, driving hour restrictions, vehicle permit stickers, insurance requirements, business registration or business license requirements, and whether TNCs were addressed specifically; that the visual aid was to assist Board members in directing staff to what they would like brought back at future meetings for public hearings and subsequent adoption; that if the Board chose to deregulate, staff would return with an ordinance to repeal; he noted that Bay County did not have a vehicle for hire ordinance until 2010, and that the ordinance was adopted at the request of the taxi industry and associated with the Airport moving to unincorporated Bay County; and, he stated that only one permit had been issued in five years.

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Commissioner Tunnell stated that the Board had charged staff several years ago with reducing unnecessary regulations and requirements; that he would like to hear from law enforcement what regulations they felt would be necessary; that the Uber and Lyft organizations self-policed; and, that accessibility of information to law enforcement might be a concern.

Uber Technologies Public Policy Manager Stephanie Smith, 80 SW 8th Street, Miami, 33130, stated that Uber had a 24/7 line to law enforcement immediately in the case of an incident or accident; and, that they had former law enforcement on staff that worked with law enforcement.

Commissioner Tunnell stated that quality assurance would come into play with competition; that the State Legislature was poised to do something soon; that he would like input from County law enforcement; and, he would like to see a level playing field for one service industry.

Chairman Dozier asked for comments from the Sheriff's Office.

Bay County Sheriff's Office Chief Deputy Joel Heape stated that he had spoken with Sheriff Ford on the issue; that the technology was coming and more services would be offered; that County action should be mirrored in the Cities; expressed concern with the need to at least begin background checks and fingerprinting, which were required for taxi companies at that time; and, that incidents had occurred with a taxi driver.

City of Panama City Beach Police Chief Drew Whitman, 17115 Panama City Beach Parkway, stated that public safety came first; *inaudible*; and, that they would like to be able to contact the drivers and have a fair playing field.

City of Panama City Police Chief Scott Ervin stated that they were looking for guidance and a level playing field; and, that they had the same concern with background checks and fingerprints in order to obtain timely, up-to-date, accurate information, as well as timely and accurate access to information if needed.

IV. Commissioner Comments

In response to inquiries by the Commission members, Stephanie Smith, Uber Technologies, stated that they had countless examples where they worked immediately with law enforcement to track riders and drivers; that she would be happy to set up a call to that particular Uber department for further information; that they had received tens of thousands of applications from Bay County.

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Ms. Smith stated that they worked with a local senior facility in Gainesville to provide rides to and from doctor appointments; that those types of rides were subsidized by cities and local businesses; that in times of local disasters, they worked with city and local governments to deliver emergency supplies and/or raise money; that they helped with first mile/last mile issues to public transportation; that Hillsborough County had a Public Transportation Commission; that with multiple lawsuits, Uber had decided to settle with a temporary operating agreement that laid out regulations for operation over the next 12 months; that they hoped the Legislature would take up the issue and one set of rules would apply; that the drivers that applied were required to be the drivers behind the wheel, and if an issue arose, they were immediately banned; that they had software that performed facial recognition in order to confirm the driver for the rider; and, that background checks were performed every two years.

City of Panama City Beach Councilman John Reichard, 11757 Front Beach Road, stated that cab companies mostly worked in Panama City Beach and Panama City, and that they would be most affected and most involved; and, stated that taxis were hailed in Panama City Beach and called for in Panama City.

Chairman Dozier passed gavel to Vice-Chairman Griffiths and briefly left the meeting.

The Commission members and staff further discussed and commented that a level playing field was the goal; on requesting each municipality and the Airport Authority to assign an individual to review their present requirements, determine areas of deregulation, and devise a sample ordinance; on determining a possible grace period for upcoming permit renewals; and, on determining the Board's starting point to enter into conversations with the Cities.

Chairman Dozier reentered the chambers and the gavel was returned from Vice-Chairman Griffiths.

The Board members provided comments by suggesting a review of the Hillsborough County ordinance; confirmed that the Legislature had twice had the opportunity to hear and take action on the issue; that it was expected that the Legislature would again hear the issue in the upcoming session; that a review of the Hillsborough County ordinance had taken place; that there was approval for annual background checks; and, there was a suggestion to downgrade to the use of an ASE certified mechanic.

Stephanie Smith, Uber Technologies, stated that she was a Public Policy Manager, but that they had a General Manager who would need to discuss and review any final ordinance.

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The Commission members and staff discussed and commented on someone other than the County requiring vehicle inspections due to multiple municipality and Uber inspections already required, and on the potential liability; on insurance requirements of \$125,000 per person/\$250,000 per occurrence/\$50,000 for property damage; on comparing Technology Network Company insurance requirements; on the option for reciprocity between jurisdictions; on the ASE certified mechanic requirement by someone other than the County; on relaxing the required medical examination; on Bay County's current requirement for a medical examination and a drug test; and, that taxi and rider services were probably drug testing new hires.

Floyd Webb, Yellow Cab General Manager, stated that Uber did drug test, but the cab *inaudible* did; that drivers were considered independent contractors, self-employed, with no Workman's Compensation; that they drug tested in all the areas they worked that required testing; and, that Yellow Cab tested pre-employment, annually, post-accident, with reasonable suspicion, and at random.

County Manager Majka stated that, if the Hillsborough agreement was a starting point, then it could be discussed at the regular meetings with the City Managers; that each jurisdiction would provide direction to their Managers on how to proceed; and, that the City Managers could return to their Boards with the results of the meetings.

The Commission members and staff continued discussion and comments by stating that they were for a level playing field with the least regulation in order to allow market influences; that the ASE certified mechanic was acceptable; that taxi companies needed to be on the same playing field as the TNCs; that it would allow for a review of County taxi company requirements; that reciprocity was used, and taxi companies were heavily regulated in Panama City Beach and Panama City; and, that after discussing and viewing the information provided by the City of Panama City Beach to each City and County management, the only need was a starting point.

City of Panama City Beach Mayor Mike Thomas, stated that they needed one rule governing all of Bay County; that liability was a concern if some taxi cab oversight was removed and an incident occurred; that he and his family had used Uber with no problems; and, that he wanted the County to find equitable rules in order to remove the City's liability.

City of Panama City Commissioner John Kady, 536 E. 4th Street, spoke regarding Uber driver availability, rates, and costs; and, stated that their rates could change depending on the demand.

County Manager Majka stated that the market would control rates and costs.

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City of Lynn Haven Mayor Margo Anderson stated that the residents of Lynn Haven wanted Uber, and that Hillsborough County did not necessarily know what Bay County needed.

Commissioner Tunnell stated that Hillsborough County was just a place to start.

County Manager Majka stated that, most frequently, the conflict was between government and the Transportation Network Companies (TNCs), and that the rationale was to use jurisdictions where TNCs were operating and there had already been some kind of agreement.

City of Panama City Major Greg Brudnicki, 322 S. Bonita Avenue, stated that he had been assured that legislative action would be taken that year.

Commissioner Carroll suggested that Bay County make use of the Hillsborough agreement to begin discussions, and include annual inspections by an ASE certified mechanic.

County Manager Majka confirmed the Board's following requirements: an annual ASE certified mechanic inspection; that TNCs conduct annual criminal background checks through an accredited background company; that TNCs conduct Nationwide Sexual Offender/Predator checks; that TNCs conduct Statewide Motor Vehicle Registration new driver checks; that TNCs provide drivers with digital credentials; that there would be no driving hour restrictions; that vehicles would display a "trade dress" (company logo); that insurance requirements would be \$50,000 per person/\$100,000 per occurrence/\$25,000 property damage while on the road and \$1 million personal injury and property damage while providing customer rides; that the County or jurisdiction would issue the TNC and driver the Certificate of Authority to Operate; and, that there would be no physical or drug test.

Commissioner Tunnell also requested a review of taxi regulations.

In response to inquiries from Commissioner Hamm, County Manager Majka stated that a review would need to take place on taxi insurance requirements.

In response to an inquiry from Commissioner Tunnell, Commissioner Carroll suggested that Bay County draft an ordinance to share with the Cities.

Commissioner Carroll made a motion for staff to draft a Technology Network Company operating ordinance that would be provided to the Cities for their review. Commissioner Griffiths seconded the motion. The roll was called and

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the motion carried with a vote of 5-0.

Commissioner Griffiths suggested to Uber Technologies Public Policy Manager Stephanie Smith that Uber's law enforcement department work with the Sheriff's Office and Chiefs of Police so that they might obtain clarity on Uber's law enforcement abilities.

V. Adjournment (4:07 PM)