

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
March 4, 2013
7:00 PM**

Elected Officials Present

Tambra Varnadore, Vice Mayor, Commissioner, Ward 2
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Shirley Groover Bryant, Mayor
Charles Smith, Commissioner, Ward 1

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Chief Rick Wells
Deanna Roberts, Administrative Assistant

Vice Mayor Varnadore called the meeting to order at 7:06 p.m. A moment of silence was observed, followed by the Pledge of Allegiance.

Commissioner Tamara Cornwell presented the National Safe Place Week proclamation to DeEtt M. Bailey, MSW, Community Relations Specialist, Safe Place Coordinator, Family Resource, Inc. Safe Place Week is March 17-23, 2013.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment:

Tom Dugan, Jeannine Love and Dr. Rebecca Moreland, all of 606 Riviera Dunes Way, Laguna Condominiums, addressed Commission and asked for help seeking solutions to the problem of amplified music emanating from Bella Mia Grill.

Dr. Rebecca Moreland asked for action by City Commission to amend Sections 5.3 and 5.4 of the noise ordinance to prohibit amplified outside music in close proximity to a residential complex.

Chief Wells commented that officers have gone out four or five times and have not determined the noise to be excessive. The highest decibel reading they have gotten is 67, but our ordinance is not tied to decibel readings.

Attorney Barnebey remarked that this should probably be tied to the reasonable man standard as opposed to decibel readings. This may be a code enforcement issue aside from the police.

Code Enforcement Director Bill Strollo testified that he had been sworn prior to his testimony. He met with all three citizens in January and explained how a similar situation had previously been resolved with the assistance of the Palmetto Police Department issuing citations, confirming that the noise was excessive and through a Code Enforcement Board hearing.

Vice Mayor Varnadore will refer this to the Mayor for follow up with Chief Wells and Bill Strollo to help the residents.

Commissioner Cornwell suggested a backdrop that will contain the sound. Also, residents may need to report the noise more than once in an evening. If the music keeps getting turned up after the police leave, they can have them turn the music off.

Maria Sevier, owner of Imagine Simply Unique Gifts at 414 10th Avenue West, and Rita Osterberg, associated with Imagine Gifts, spoke in favor of the closure of 10th Avenue for Slick's First Friday on Fifth events.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 4-0 to approve the March 4, 2013 Agenda with the removal of item 2. B. 3, with no motion required on item 3 and the dates set for item 5. (Item 5 public hearing dates were moved to April 1 and April 15, 2013.)

2. CONSENT AGENDA APPROVAL

A. Mayor's Office

1. CRA Advisory Board Appointments

B. City Clerk's Office

1. Physio-Control Technical Service Support Agreement Renewal
2. 2013 Nautical Expo Special Function Permit May 4 and May 5, 2013
3. Ward I Phase II Budget Proposal

C. Police Department

1. Budget Transfer Proposal

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 4-0 to approve the March 4, 2013 Consent Agenda with item 2.B.1 pulled for discussion.

Vice Mayor Varnadore commented that no discussion came up on the CRA Advisory Board appointments, but she wanted to recognize Barbara Gaulien and Roberto Gonzalez who were present for the meeting. She presented them with a gift from the City.

Regarding Item 2.B.1, Commissioner Williams asked Mr. Freeman the cost of each unit alone. Mr. Freeman didn't know, but he said the contract provides for servicing of those three units. They look at the units to see if any batteries need to be replaced. Mr. Williams asked if the price is reduced if the battery does not need to be replaced. He opined that the lithium batteries should last. The servicing is almost \$900 per year. He would like to know if we are getting a new battery each year.

Mr. Freeman said the contract allows for automatic renewal, but the attorney can remove that provision so that it will come to Commission each year.

Commissioner Cornwell suggested shopping for another system, but for the benefit of the employees, she recommends approving this tonight.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 4-0 to approve item 2.B.1.

3. PUBLIC HEARING ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES, ZONING CODE, TO AMEND THE DEFINITION OF RECREATION AND AMUSEMENT SERVICES AND THE SCHEDULE OF PERMITTED AND CONDITIONAL USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Varnadore opened the public hearing. There being no public comment, she closed the public hearing. Attorney Barnebey announced that the second public hearing will be scheduled for March 18, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

4. 1ST READ ORDINANCE 2013-04 INTERNET AND SWEEPSTAKES GAMING CAFÉ MORATORIUM
AN EMERGENCY ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR APPLICATION FOR THE ESTABLISHMENT OF BUSINESSES KNOWN AS INTERNET OR SWEEPSTAKES CAFES AS DEFINED HEREIN; PROVIDING SUSPENSION OF ANY SUCH ZONING, PERMITTING AND LICENSING; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT FOR A DATE ENDING APRIL 30, 2014 OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE INTERNET/SWEEPSTAKES CAFES; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Following a comment by Commissioner Williams, Attorney Barnebey agreed the word "emergency" could be removed.

MOTION: **Commissioner Cornwell moved, Commissioner Williams seconded, and motion carried 4-0 to schedule a public hearing for March 18, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers and direct staff to advertise for same with the removal of the word "emergency."**

5. 1ST READ ORDINANCE NO. 2013-02 REGULATION OF MOBILE FOOD VENDORS AND TEMPORARY USES
AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE FOR A DEFINITION OF MOBILE VENDORS; REVISING THE CURRENT TEMPORARY USE PERMIT CRITERIA AND ADDING CRITERIA FOR USE AND OPERATION OF MOBILE VENDORS, INCLUDING PUSH CARTS AND TEMPORARY VENDORS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Georgia Drakopoulos, 3931 3rd Avenue West, Palmetto, would like to work with Commission to resolve issues with her pushcart and her small business.

Tina Spear spoke in support of Mrs. Drakopoulos and her business, saying Mrs. Drakopoulos wants to keep her hot dog cart going and keep her business in Palmetto

MOTION: **Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried 3-1 to schedule a public hearing for April 1 and April 15 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers and direct staff to advertise for same. Commissioner Davis cast the dissenting vote.**

Vice Mayor Varnadore recessed the City Commission meeting to open the March 4, 2013 CRA Board meeting.

Vice Mayor Varnadore reconvened the City Commission meeting at 8:26 p.m.

6. BASEBALL FIELD UPDATE

Mrs. Varnadore informed Commission that Mayor Bryant was on hand for the presentation of the \$75,000 check for the ball fields by the Pittsburgh Pirates. She said construction starts March 11.

Mr. Tusing added that the City has been working with County staff for several months, and they have a good set of plans. He said the County will bid out some of the work, and some will be performed in-house by County staff. They are ready to go.

Mrs. Varnadore thanked the Pittsburgh Pirates.

7. ASR WELL UPDATE (Allen Tusing)

Almost completely done; there are three holes in the ground. They are working on getting pricing on the remainder of the project, and should have that in the next few weeks.

8. DEPARTMENT HEADS' COMMENTS

Jeff Burton
No comment

Allen Tusing

He wanted to state for the record that he did not visit any of the businesses that are open during the First Friday event. He went only to service-oriented businesses, such as hair and nail salons. He was asked to find out what their issues were, and he gave that information to the Mayor. Their main issue was the road closure was too early.

Commissioner Williams reminded Commission that Chris [Humphreys] was present at a meeting, and he agreed it was a good idea to go out and find out what the issues were.

Vice Mayor Varnadore commented that this will be back before Commission for the May event, and she looks forward to a great compromise for everyone. Mr. Freeman commented that they will have to submit an application for the May event.

Jim Freeman

He will bring back telemetry meters on April 1. He will have additional information.

He reported that he has received the signed interlocal agreement from the County. He will be working with the Manatee County Clerk of Court to transmit the \$800,000 to the County. (This is the City's contribution to the construction of the ball fields.)

Mr. Freeman clarified that under the current ordinance, applications for Special Function Permits must be submitted to the City Clerk's office thirty days prior to an event; not necessarily come before the City Commission thirty days prior.

Chief Wells

Chief Wells asked Mrs. Davis to give her contact information to Deputy Chief Tyler. He said he will soon be working on the budget, and it is a perfect time to see what the Police Department can do to make sure everything is safe. (He was referring to her comments about safety at MLK Park.)

9. MAYOR'S REPORT

Vice Mayor Varnadore informed Commission that Mayor Bryant and Commissioner Smith were at the Civic Center tonight to recognize Coach Willie Taggart. Mr. Burton added that Coach Taggart is the new head coach at USF.

10. COMMISSIONERS' COMMENTS

Commissioner Davis

He told Commission that he went with the Mayor to accept the check [from the Pittsburgh Pirates]. It was neat seeing them give the money to the kids who play the game and who support the teams and become players someday. He thanked the Pirates.

Commissioner Cornwell

Reminded Chief Wells that next week is Spring Break.

March 9 is Heritage Day in Palmetto beginning at 10:00 a.m. There will be a pie contest.

March 6 Waste Management will be holding an event at the Sheriff's Office. Chief Wells said that he and Deputy Chief Tyler will be at that event representing the Police Department.

She announced that Fair Board member Roger Hill had passed away. There will be a Celebration of Life. Contact the Fair Board for more information.

Commissioner Williams
No comment

11. ADJOURNMENT

The meeting was adjourned at 8:38 p.m.

Minutes approved: March 18, 2013

James R. Freeman

James R. Freeman, City Clerk