

TAB 1

**DRAFT
CITY COMMISSION WORKSHOP MEETING
AUGUST 1, 2011
4:30 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Elected Officials Absent:

Mary Lancaster, Commissioner, Ward 1

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration



Mayor Bryant called the meeting to order at 4:30 p.m.



1. PROPOSED ORDINANCE NO. 2011-18 DISCUSSION OF THE ELIMINATION OF THE CITY'S NOISE EXCEPTION PERMIT

Six months ago Commission suspended the Noise Exception Permits, during which no major problems were reported. Attorney Barnebey confirmed the proposed ordinance does allow for exemptions for the fair and governmental events, and the Commission can add additional exceptions. He stated it is possible there could be potential issues with some outside events. He and Chief Wells agree that given how the City has been enforcing the noise ordinance, there is no reason to have the noise exception permit and it should be repealed.

Discussion ensued on how excessive noise can be controlled. Attorney Barnebey will research if and how excessive noise can be legally controlled in the City. He did confirm that how the ordinance is drafted would give the City control over both private and public properties.

Attorney Barnebey explained that an alternative to repealing the noise exception permits would be to set reasonable parameters in the ordinance, such as time limits. But, based on past discussion of Commission's opinion that there should not be an exception once there is a complaint, there is no reason for the exception permit. Chief Wells opined that the only way to control the noise is to allow the Police Department to enforce the ordinance and statutes.

It was general consensus of the Commission to move the ordinance forward to the 7:00 meeting as written.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to adjourn the meeting at 4:50 p.m.

Minutes approved:

James R. Freeman
City Clerk

**DRAFT
CITY COMMISSION MEETING
AUGUST 1, 2011
7:00 PM**

Elected Officials Present


Shirley Groover Bryant, Mayor
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Mary Lancaster, Commissioner, Ward 1

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, CRA Executive Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission.

Public Comment: None

 1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the August 1, 2011 7:00 PM Agenda.

 2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes: June 20th, July 18th, 19th, and 25th, 2011
2. Special Function Permit: Manatee Glens Walk for Life
3. Budget Resolution No. 2011-22 for settlement of a liability claim

MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to approve the August 1, 2011 Consent Agenda.

Expenses associated with the Walk for Life event will be provided and will be borne by the event. A revised budget resolution for item #3 was distributed. The resolution number was corrected to be Resolution No. 2011-22.

Item #3 was pulled for discussion.

Commissioner Cornwell amended her motion to approve items and 1 and 2 of the Consent Agenda. Commissioner Zirkelbach amended his second and motion carried 4-0.

Item #3 Budget Resolution 2011-22-settlement of liability claim. Mr. Freeman referenced the correct resolution. He confirmed that each incident has a \$25,000 deductible. Mr. Tusing discussed attempts to ensure that water meter box lids are put back in place, which is the reason for the claim settlement.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to approve item #3 on the August 1, 2011 Consent Agenda.



3. 1st READING: ORDINANCE NO. 2011-18 (Carried forward from the workshop meeting)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REMOVE THE SPECIAL PERMIT EXCEPTION TO THE CITY'S NOISE RESTRICTIONS; ADDING EXCEPTIONS TO THE NOISE LIMITATIONS FOR NOISE GENERATED AT SPECIFIC EVENTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public comment: Jane Hunter opined that the definition contained in the ordinance is not clear. Attorney Barnebey discussed the fact the ordinance is a "reasonable person standard" that has been accepted by the courts. Criteria exist to determine what is reasonable. He advised that Commission can determine if certain other events should be added as exempt or the noise exception permit can remain in place.

Chief Wells confirmed there was never a complaint received regarding the events sponsored by Slicks Garage. He opined that the problems arise when conditions are placed on the noise exception permit because enforcement then reverts to the ordinance.

Discussion ensued on whether restrictions can be placed on an event when approving a special function permit; i.e. music must end at a specific time. Attorney Barnebey opined that time and day of an event is one of the criteria. He cited certain events that could have operated under the special exemption permit that may have to go indoors or not be allowed.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-0 to schedule a public hearing for Ordinance No. 2011-18 on August 15, 2011.

Mayor Bryant recessed the City Commission meeting to open the CRA Board meeting at 7:40 p.m.

Mayor Bryant reconvened the City Commission meeting at 8:45 p.m.



4. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE
Mayor Bryant reported a meeting had been held with Mr. Pendley, Manatee County School Board, and Mr. Goforth of the Little League regarding Mr. Pendley's assistance in locating an alternative site. It was consensus of the Commission to extend the contract an additional two months.



5. ASR WELL UPDATE
Mr. Tusing reported the design criteria are still being reviewed with the engineer. He discussed the SWFWMD funding extension that was recently approved by Commission, confirming time is no longer an issue.

6. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

The eight city engineer contracts will be on the August 15, 2011 agenda for renewal approval.

Mr. Freeman

Updated Commission on grant-related projects, as follows:

- Construction of the four LED lights in the City Hall parking lot has begun and should be completed Thursday
- First reimbursement of \$26,000 from the CDBG Ward 1 Phase 2 construction has been received
- On the first energy grant, the retrofit lighting project will begin in the next several weeks; the wastewater treatment plant tasks will be brought to Commission for approval on August 15, 2011

Referring to the solar voltaic panels some jurisdictions are installing on public buildings, Commissioner Varnadore stated she would like information from cities that have been in the process for a period of time vs. just beginning.

He commented on the expected length of the August 15, 2011 meeting. Mayor Bryant requested that Commission contact department heads with questions prior to the meeting.

He anticipates that a version 2 budget will be available by Friday for the next scheduled budget meeting on Monday, August 8, 2011. He reported the deficit of approximately \$150,000 has not changed much since the last meeting. The tentative millage report has been provided to the property appraiser's office.

Chief Wells

No report.

Attorney Barnebey

Referred to the memo he had distributed on the Weems case, stating the title issue has been resolved and the City can move forward with its use.

As a result of the 2010 census, the City needs to determine if redistricting is necessary. Information must be gathered on the number of residents in each district and minority population in every ward.

7. MAYOR'S REPORT

A hurricane preparedness presentation by Manatee County EOC is scheduled for August 10, 2011 at 7:00 pm.

Reported that Mr. Tusing and Chief Wells are addressing the non-working lights on 4th Street that a resident has reported.

Stated Mrs. Roberts will distribute the information on the FLOC legislative committees. She reminded Commission of the Waste Management dinner August 11, 2011. The FLOC agenda should be available online, but will also distribute it.

Commissioner Cornwell confirmed she no longer wanted a hard copy of the agenda, but is having difficulty with large maps.

Reported on the event she attended at the Boys & Girls Club.

8. COMMISSIONERS' COMMENTS



Ms. Varnadore

Commented on the size of the August 15, 2011 meeting agenda. She requested that her agenda be available before leaving for the FLOC on August 10, 2011.

Attorney Barnebey estimated the Rules & Procedures will be placed on a workshop in September and October.



Mr. Zirkelbach

Commented on Mr. Hanlon's letter dated July 20, 2011.



Mr. Williams

Reported the following issues that need to be reviewed by Code Enforcement or Public Works:

- Wastewater treatment plant fence line
- Tropic Isles storage area
- The painted signs on the Tai Kwon Do and United Federal Discount buildings; Commissioner Zirkelbach commented on the number of businesses that have hung banners or painted signs
- The gravel road on 17th Street, west of 24th Avenue; Mr. Tusing explained the private drive was constructed across land-locked lots to provide access to houses in the subdivision
- Open manholes at the corner of 17th Street and 24th Avenue; Mr. Tusing explained repairs are underway and should be completed this week
- Overgrown shrubs west of the tracks between 8th and 9th just north of the bank
- The condition of the streets in the Ward 1 Phase 2 project

Mr. Tusing stated a report was going to be given to the resident on 13th Avenue.

Ms. Cornwell

No report.

Meeting adjourned at 9:14 p.m.

Minutes approved:

James R. Freeman
City Clerk