

**CITY OF PALMETTO
CITY COMMISSION MEETING
October 7, 2013
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
Tambra Varnadore, Vice Mayor, Commissioner, Ward 2
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Charles Smith, Commissioner, Ward 1
Brian Williams, Commissioner, Ward 3

Staff Present

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

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance. She asked all to remember the family of Jim Biggins who passed away last week. He was a former CRA Board member and City leader.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant added Item 2.A.2, the appointment of Randy Iaboni to the Planning and Zoning Board, to the agenda.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried unanimously to approve the October 7, 2013 Agenda with the addition.

2. CONSENT AGENDA APPROVAL

A. Mayor's Office

1. Appointment of Michael N. Becks to the Police Officers' Pension Board
2. Appointment of Randy Iaboni to the Planning and Zoning Board.

B. City Clerk's Office

1. Minutes: September 23, 2013
2. Special Function Permits:
 - a. Slicks Garage First Fridays-November 2013
 - b. Fall Festival-October 2013
 - c. Relay For Life-May 2014
 - d. Palmetto Charter School 5K Remix-March 2014
 - e. Veterans Parade-November 2013
3. BIS Digital Contract
4. RFP Committee Recommendation for ERP Software
5. FY14 Manatee County Fair Booth Sponsorship

Commissioner Varnadore removed item 2.B.4 for discussion.

Commissioner Cornwell removed 2.B.5 for discussion.

Commissioner Williams removed item 2.B.2 for discussion.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried unanimously to approve items 2.A.1 and 2, 2.B.1 and 2.B.3 on the October 7, 2013 Consent Agenda.

Mr. Williams asked about security at all the events. Chief Wells said there will be a police presence for the Veterans Day Parade, and none at the other events.

Mayor Bryant clarified that the permit for Slick's would include approval of the closure of 10th Avenue from 4th Street to 5th Street.

Mayor Bryant said the City has had complaints in the past about noise from the microphones all through the night at the Relay for Life event. She asked Kim Bailey, representative for Relay for Life, how they would monitor that. Mrs. Bailey stated that the committee will canvas the community to make residents aware that the event would be taking place. Also, they will reduce the sound system at 11:00 p.m. They will honor any other requests from the City. The event is now called the North River Relay.

Mr. Williams pointed out that the insurance for Slick's event was not included. Mr. Freeman said he will follow up.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried unanimously to approve items 2 a through e on the October 7, 2013 Consent Agenda.

Regarding item 2.B.4, Commissioner Varnadore asked if additional hardware will be needed. Mr. Freeman said yes, but the funds have been budgeted; he does not expect to come back for additional funds.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried unanimously to approve the ERP Software [item 2.B.4 on the Consent Agenda].

Regarding item 2.B.5, Mrs. Cornwell asked to approve the City's portion of the fair booth sponsorship at this time and bring back the CRA portion. So, the motion would be to approve \$610.00 for the booth rental and bring back to the next meeting the approval of the CRA portion in the amount of \$228.00.

MOTION: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried unanimously to approve the Manatee County fair booth sponsorship in an amount not-to-exceed \$610.00.

Public Comment:

Marie McCaughan, 4012 Cortez Road West, Bradenton, informed Commission that she is appearing to petition Commission to waive the thirty-day requirement for extending a Conditional Use Permit (CUP). Mr. Honaker owns the Laundromat [Florida Commercial Laundry Equipment, Inc., 1527 8th Avenue West]. He has now modified the games so that they are within the new law. City Attorney Mark Barnebey stated that the ordinance provides that requests for extensions must be filed no later than thirty days prior to the expiration of the CUP. By ordinance, they will have to start over. Mrs. Varnadore asked to be informed what the process will entail for them.

Rose Quin-Bare gave a PowerPoint presentation regarding the renewal of the Waste Management contract with the City of Palmetto. A copy of the presentation will be scanned into the meeting date and remain a permanent record.

3. PUBLIC HEARING: TRAFFIC REGULATION

Installation of an all-way stop at the intersection of 9th Avenue and 5th Street West.

Mayor Bryant opened the public hearing continued from September 23.

Mr. Tusing said that there has been more pedestrian traffic since the completion of 5th Street. The offset intersection there makes the all-way stop vital.

Marie McCaughey, who spoke earlier, said she almost got hit there today. It is dangerous and a stop sign is needed.

Patsy Ugarte said she is a business owner, and her business is located at that intersection. She agrees with Mr. Tusing's proposal to install stop signs, not only for pedestrians on the street, but also people crossing the street, particularly people picking up family members at the nursing home. It is a dangerous situation, and a four-way stop would be beneficial.

Gretchen Leclezio, owner of the Palmetto Art Center, said she usually physically walks her students across the street to their cars. It's pretty dangerous as cars speed in that area. It would be great to have a four-way stop sign.

Mayor Bryant closed the public hearing.

Mr. Davis asked that flags be put on the new signs to alert people that they have been installed.

Mr. Williams suggested asking the EMS vehicles to park on the side of the guest home. The EMS vehicles block the intersection and approaching vehicles will not see the stop signs.

MOTION: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried unanimously to authorize the installation of an all-way stop at the intersection of 9th Avenue and 5th Street West.

4. PUBLIC HEARING: TRAFFIC REGULATION

Installation of an all-way stop at the intersection of 11th Avenue and 5th Street West.

Mr. Tusing said this creates a crossing for King's Kids at First Baptist Church. This is a safety need.

Mrs. Varnadore opined that this is warranted for the reasons discussed. She commented that a police presence will be needed there for awhile. Chief Wells said police will be in the area from time-to-time during peak hours.

Mayor Bryant opened the public hearing continued from September 23, 2013.

There being no public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded, and motion carried unanimously to authorize the installation of an all-way stop at the intersection of 11th Avenue and 5th Street West.

5. 1ST READ MASTER UTILITY ORDINANCE NO. 2013-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF CHAPTER 29 "MASTER UTILITY SYSTEM REGULATIONS", SECTIONS 29-1 THROUGH 29-44; PROVIDING FOR A NEW CHAPTER 29 "MASTER UTILITY SYSTEM REGULATIONS", SECTIONS 29-1 THROUGH 29-44; PROVIDING FOR DEPOSITS AND CONNECTION CHARGES; PROVIDING FOR UTILITY USAGE CHARGES; PROVIDING FOR PAYMENT TERMS; PROVIDING FOR READINESS TO SERVE CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING REMEDIES; PROVIDING FOR APPLICABILITY, RATIFICATION, PRESERVATION AND RESERVATION OF RIGHTS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Davis moved, Commissioner Williams seconded, and motion carried 4-1 to schedule a public hearing for Ordinance No. 2013-14, with Option 1,

on October 21, 2013 at 7:00 p.m. or as soon thereafter as same can be heard and direct staff to advertise for same. Commissioner Smith voted nay.

Discussion: Mr. Freeman advised Commission that he will provide a redline version of the ordinance once the rates are adjusted. He will bring that back to the next meeting. While the ordinance is being revised, other issues will be addressed; no major changes, just some housekeeping items.

Mr. Smith asked if the City has a policy for turnoffs; for example, would the water be shut off on a Friday? At what point is the water shut off; one month, two months? How late does the water department work to turn water back on? Mr. Freeman said there are guidelines. The water is not turned off on Friday so that the resident will have water over the weekend. The new rate increase would begin in November. Water is not turned off on holidays. It is turned off in the morning to give people time to come in and get it turned back on that day. He said water is turned off when the customer is forty-six days overdue.

Mr. Smith expressed concern that the rate increase would become effective right before the holidays.

Mr. Freeman said if there are any other substantive changes to be made in the ordinance they can come back at another time. At this time, they are looking to incorporate the rates into the ordinance for the public hearing.

Mr. Tusing explained that both options will generate \$10 million. Option 1 arrives at \$10 million through rates and borrowing \$2 million, and Option 2 uses rates and borrowing \$2.9 million.

6. 1ST READ ALCOHOL SALES ON CITY PROPERTY ORDINANCE NO. 2013-15

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF THE REGULATIONS FOR THE SELLING AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY LIMITS; PROVIDING FOR AN AMENDMENT OF THE REGULATIONS TO ALLOW SALE OF ALCOHOLIC BEVERAGES WITH A SPECIAL FUNCTION PERMIT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 4-1 to schedule a public hearing for Ordinance No. 2013-15 on October 21, 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. Commissioner Varnadore voted no.

Discussion: Mr. Barnebey informed Commission that the Palmetto Historical Commission has asked to be excluded from the ordinance. He opined they may want to rethink this as it could preclude an event such as a wine tasting social for a fundraiser, but he will look at this before the ordinance comes back.

Mr. Barnebey asked Commission if they wanted to address open containers in this ordinance and if they wanted to require indemnification and hold harmless agreements, or just rely on the insurance. Mayor Bryant suggested that indemnification would be a better safeguard for the City. Mr. Barnebey said it depends on the assets of the organization indemnified. He remarked the requirement might prevent some events from moving forward.

Mr. Williams brought up the issue again of alcohol being allowed in the park. Mr. Barnebey opined that the lease agreement actually already covers that.

Mrs. Cornwell said the Special Function Permit should state where alcohol is prohibited. She asked if only the park fees will be charged, or if there will be an extra fee to cover cleanup if alcohol is served.

Mr. Freeman said he will look at the fee structure. He said that the City of Bradenton requires a fee if alcohol is served, based on the size of the event.

Mrs. Cornwell said she assumes this will be brought back to another workshop. At that time, she would like to discuss training required for servers and taxi service, among other things. She informed Mr. Barnebey that she would like to keep the non-profit verbiage in the ordinance. Mr. Smith opined that each event application should be dealt with on a case-by-case basis. Large corporations host major events and bring a lot of money to the community.

Mr. Barnebey stated that any conditions Commission would like to set should be addressed in the Special Function Permit on a case-by-case basis, rather than limiting themselves in the actual ordinance. Mrs. Varnadore requested further discussion on what the application would look like and what Commission would be looking at for these events. Whatever criteria are established, she will apply to every applicant.

Mrs. Varnadore reiterated that she would like to address open containers in the ordinance. Her amendment would only change two words in the current ordinance in Section 4.3 (a): "It shall be unlawful for any person **to drink or consume** any alcoholic beverage" would be changed to "it shall be unlawful for any person to **have an open container...**"

Mr. Barnebey opined that the change would be substantive. There was no support from Commission to include the recommended change tonight to notice for the public hearing. Mayor Bryant said that should be a discussion for a later date. Mrs. Varnadore asked Chief Wells to address this at a future meeting.

There was consensus to bring this discussion back to the next workshop.

Mayor Bryant recessed the City Commission meeting to open the October 7, 2013 CRA Board meeting at 8:55 p.m.

Mayor Bryant reconvened the City Commission meeting at 9:07 p.m.

7. BASEBALL FIELD UPDATE

Mr. Tusing provided Commission with a written update on the baseball field. A copy will be scanned into the meeting folder and will remain a permanent part of the record.

8 ASR WELL UPDATE

None

9. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

None

Mr. Burton

None

Mr. Freeman

None

Chief Wells

None

M. Barnebey

Reported that the Byrne RFP and sell of the property to Alexander Byrne, and the exchange of a couple of pieces of property to square off the parcel has been completed. There will be a street vacation proposal coming forward pursuant to the agreement with Mr. Byrne.

10. MAYOR'S REPORT

Asked Commissioners to send her names of two or three people very interested in education north of the river who would like to participate in a Soup with the Super [School Board Superintendent Rick Mills]. It will be at the Yacht Club, with the date yet to be decided.

Thanked the Commission for going with Option 1 (in the Master Utility Ordinance) showing a long term commitment to the health and safety of the community.

11. COMMISSIONERS' COMMENTS

Brian Williams

Opined that "time certain" agenda items need to factor in discussion time by Commission after staff presentation.

Asked for more information on the open container issue and stated it should be added to a workshop.

Commissioner Varnadore commented that the meetings are the only time Commissioners can discuss the issues and deadlines prohibit full consideration of the issues. When items are moved from the workshop to first reading there is not time to get with staff to discuss.

Mr. Williams passed out copies of the City's parking code. State statute allows higher fines, and he asked for a review of the current fines. Chief Wells and Mr. Freeman will look at the City's fees to see if they are outdated.

Tambra Varnadore

None

Tamara Cornwell

None

Jonathan Davis

None

Charles Smith

Reminded Commission about the Ward I community meeting on Thursday at 7:00 p.m.

12. ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

Minutes approved: November 4, 2013

James R. Freeman

James R. Freeman, City Clerk