

**CITY OF PALMETTO
CITY COMMISSION MEETING
May 19, 2014
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
Jonathan Davis, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
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
Amber Foley, Assistant City Clerk

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

RECOGNITION: Mr. Tusing recognized Juan Madrid and Odilon Madrid for outstanding customer service when they rescued Mr. Simpson of Terra Ceia who had fallen off of his bicycle.

PROCLAMATION: Commissioner Davis presented the Safe Boating Week proclamation to Bruce Donegan, Vice Flotilla Commander, Flotilla 85 on behalf of Rick Owens, Flotilla Commander Flotilla 81 Manatee and Budd-Jack, Flotilla Commander Flotilla 85 Palmetto. Safe Boating week is May 17-23, 2014.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the May 19, 2014 Agenda.

2. PUBLIC COMMENT

Henry Ward, resident of Terra Ceia, opined that the new vendor for solid waste should be asked to have smaller vehicles when coming through Terra Ceia to collect garbage. Mayor Bryant asked that Mr. Vargas speak with Mr. Ward.

3. CONSENT AGENDA APPROVAL

- A. Mayor's Office
 - 1. Re-appointment of Azell Johnson, Jr. to the Palmetto Housing Authority Board
- B. Clerk's Office
 - 1. Special Function Permits
 - a. Palmetto B&B July through December Weddings
 - b. First Baptist Church Vacation Bible School
 - 2. Blalock Walters Legal Bill
- B. Police Department
 - 1. Acceptance of the Edward Byrne Memorial Justice Assistance Grant

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the May 19, 2014 Consent Agenda.

4. PUBLIC HEARING ORDINANCE 2013-20 OUTDOOR VENDING MACHINES

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF THE USE AND LOCATION OF OUTDOOR VENDING MACHINES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant re-opened the public hearing from April 21, 2014.

Attorney Barnebey noted that the effective date currently written in the proposed ordinance should be changed to September 30, 2014 to allow for adequate time for current establishments to come into compliance should this ordinance be adopted.

Mayor Bryant closed the public hearing after no public comment.

In regard to the Planning and Zoning Board's recommendation of the requirement of each vending machine to have a building permit as well as be securely anchored, Mr. Barnebey stated that those requirements can be address in the City's Building Code, not this ordinance. Commissioner Williams opined that there should not be a requirement for a vending machine to have a building permit if the City is only going to allow one outdoor vending machine per establishment.

Commissioner Varnadore would like to leave the allowance of three vending machines per commercial building as stated in the current City Ordinance. She opined that if changed, the City should consider a grandfather clause in the proposed Ordinance for those establishments that have more than one outdoor vending machine. Mrs. Varnadore stated that some businesses may need more than one vending machine for their customers.

Commissioner Smith expressed concerns about this proposed ordinance effecting ball fields and recreational complexes.

The consensus of Commission was to not allow vending machines in parking lots; but could not reach an agreement on the number of allowable outdoor vending machines per business.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded the motion to keep the allowable number of vending machines per establishment at three and have staff work on adding requirements into the Building Code to require a Building Permit as well as specifics on securely anchoring the machines and keep everything else the same in the ordinance as written tonight and change the effective date to September 30, 2014.

Commissioner Davis questioned if the proposed ordinance will affect the current water/ice machine that is in existence in the parking lot of the Palmetto Village shopping plaza. Attorney Barnebey stated that Commission can ask for a grandfather clause to be written in the Ordinance in regards to that specific water/ice vending machine.

The motion on the floor failed 2-3 with Commissioner Cornwell, Smith, and Williams voting no.

Commissioner Smith wants to review ordinances from other municipalities that have to do with outdoor vending machines.

Commissioner Williams opined that this is not a big enough problem to require an ordinance.

Motion: Commissioner Williams moved to pass the ordinance as written with one vending machine per business.

Commissioner Varnadore asked if Mr. Williams would consider two vending machines per business.

Commissioner Williams amended his motion to include two vending machines per business and the addition of the grandfather clause for the existing water/ice dispensing machine located in the parking lot of the Palmetto Village shopping plaza and exempt change machines with an effective date for compliance to be September 30, 2014. Commissioner Varnadore seconded the amended motion. The amended motion failed 2-3 with Commissioners Cornwell, Davis, and Smith voting no.

5. 1ST READ ORDINANCE 2014-13 PURCHASING

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE PURCHASING CODE IN THE CITY CODE OF ORDINANCES; PROVIDING FOR SUPPLEMENTAL AUTHORITY TO APPROVE CERTAIN CONTRACTS; PROVIDING FOR PURCHASES FROM CONTRACTS FROM OTHER GOVERNMENTAL AGENCIES AND RESPONSIBLE COMPETITIVE PURCHASING COOPERATIVES AND THEIR SUPPLIERS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to schedule Ordinance 2014-13 for a public hearing on June 2, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers and direct staff to advertise for same.

6. 1ST READ ORDINANCE 2014-09 ALCOHOLIC BEVERAGE ORDINANCE

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING THE CITY OF PALMETTO CODE OF ORDINANCES; PROVIDING FOR AMENDMENT TO THE REGULATION OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING PACKAGE SALES AND CONSUMPTION ON PREMISES; PROHIBITING CONSUMPTION IN CERTAIN AREAS; REGULATING CONSUMPTION OF ALCOHOLIC BEVERAGES OR POSSESSION OF AN OPEN CONTAINER CONTAINING ALCOHOLIC BEVERAGES; AMENDING THE ZONING CODE AND THE USE OF LAND AS TO LOCATIONS WHERE ALCOHOLIC BEVERAGES MAY BE SOLD OR CONSUMED ON PREMISES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Tusing stated that this Ordinance will bring the Zoning Code into compliance. There is a restaurant that recently opened and would like to serve alcohol but cannot because of the Zoning Code and being within 60 feet of a church. The Ordinance that is presented tonight is a culmination of the Manatee County Ordinance, the City of Bradenton Ordinance, and the City of Palmetto Ordinance.

Commissioner Smith supports the proposed ordinance including the open container section; however, he would like to see open container more clearly defined, not just a "cup". He opined it should be an easily identifiable alcoholic beverage container; one that is clearly marked. Attorney Barnebey stated that he can modify the language in the ordinance to clarify that an open container would be an easily identifiable container clearly marked.

Commissioner Varnadore would like to review the current City Zoning Map that indicates the alcohol licensing locations. Staff will put the Zoning Map on the Commissioner's iPads to view at their convenience.

Commissioner Varnadore would like to see "drinking establishment" more clearly defined.

Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to schedule Ordinance 2014-09 for a public hearing on June 2, 2014 and June 16, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

7. TRAFFIC POLICY DISCUSSION

Commissioner Varnadore requested the Ordinance be amended to define what is a major traffic policy and minor traffic policy. Until that is defined, she would not like to see the Administrative Policy removed.

Mayor Bryant asked staff to review and revise the Traffic Policy Ordinance.

Motion: **Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to amend Administrative Policy 05-14 to provide solely that all traffic amendments in the City would be brought forward to this Commission.**

8. APRIL CHECK REGISTER *Informational Only*

9. ASR WELL UPDATE

No update at this time.

10 DEPARTMENT HEADS' COMMENTS

11. MAYOR'S REPORT

Mayor Bryant informed Commission that the dedication of the fields at Blackstone Park will be on May 27th to begin at 6:30 p.m. She has asked Manatee County about the signage that recognizes all contributors to the development of the baseball fields at Blackstone.

12. COMMISSIONERS' COMMENTS

Commissioner Smith—stated that he will be in Pensacola at the end of this month.

He attended the first Housing Authority meeting that was held on May 9th and stated he is glad to be a part of the beginning stages of the City's Housing Authority.

Commissioner Davis—attended the Crosthwait Fishing Tournament and helped Project Healing Waters take veterans fishing. He and Bob Gause took 30 veterans out on the water to fish.

Mayor Bryant announced that Saturday morning the Manatee School for the Arts Action team kicked off their cleaning up of the parks. They have adopted all the City parks, toured them and assessed the graffiti damage. There were about a dozen kids and their adult sponsor that kicked off the cleaning.

Commissioner Vanadore—enjoyed tonight's meeting and felt it was very positive.

Commissioner Williams—received some emails from Mr. Tusing regarding the recent staff changes with Veolia at the City's Wastewater Treatment Plant. There will be a new manager running the plant in the next week and, per the recent contract with Veolia for the WWTP, Commission has to approve the new manager that will be hired.

Mr. Williams announced that he and Commissioner Davis will be going to the National Cemetery in Sarasota on Memorial Day. He invited everyone to attend.

Mayor Bryant adjourned the meeting at 8:25 p.m.

Minutes approved: June 16, 2014

James R. Freeman

James R. Freeman
City Clerk