

CITY OF PALMETTO
CITY COMMISSION MEETING
June 16, 2014
7:00 p.m.

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
Deanna Roberts, Administrative Assistant

Mayor Bryant called the June 16, 2014 City Commission and Special CRA Board meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

RECOGNITION: Deputy Chief Scott Tyler recognized the Retired Law Enforcement Association of Southwest Florida for donating ballistic vests for the Police Department's three K-9 dogs. Ray Hubbert, President, Robert Marron, Vice President, and Bob Flor, retired New York City police officer, represented the organization.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried unanimously to approve the June 16, 2014 Agenda with amendments to move Item 3.A.2. to Item 4.A, and to add the COPS Hiring Program as Item 3.C.

Mayor Bryant pointed out a typo in Item 3.A.3 to the Commission. Resolution 2014-14 was incorrectly entitled Resolution 2014-03.

MOTION: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 3-2 to add as Item 4.B, for discussion purposes, a request to amend the Special Function Permit for the July 4 celebration to allow alcoholic beverages at Sutton Park. Commissioners Varnadore and Cornwell voted nay.

2. PUBLIC COMMENT

None

3. CONSENT AGENDA APPROVAL

- A. Clerk's Office
 - 1. May 19, 2014 Minutes
 - 2. Resolution 2014-13 Budget Amendment (Moved to Item 4.A)
 - 3. Resolution 2014-14 Budget Amendment
 - 4. Bright House Wi-Fi Agreement
- B. Police Department

1. First Aid Training and First Aid Kit Funding

Commissioner Varnadore pulled Items 3.A.4 and 3.C for discussion.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded, and motion carried unanimously to approve Items 3.A.1 and 3.A.3, and 3.B.1 on the June 16, 2014 Consent Agenda.

Discussion Item 3.A.4: Commissioner Varnadore asked where the Bright House equipment will be placed. Mayor Bryant submitted a list of the proposed parks, which is attached hereto and made a part of these minutes. She commented that she would like the first six parks to be part of the initial installation.

In answer to Mrs. Varnadore's concerns regarding 2.2 of the contract, Mr. Barnebey said the way the contract is written now it allows the Mayor to make the call on the areas in which wi-fi might be extended.

Mrs. Varnadore questioned the terms of the contract, page 3, number 4, and Mr. Barnebey and Mayor Bryant said this is a non-exclusive contract.

Mrs. Varnadore said she would like section 2.2 limited to city facilities only. Mr. Barnebey said he will change that language to say parks and other public places.

Commissioner Smith commented that the County's lease of Lincoln Park has expired. Mr. Barnebey will look into the lease, and Mayor Bryant said she will ask the County if they would like to join the City to include Lincoln Park as a wi-fi location.

MOTION: Commission Varnadore moved, Commissioner Cornwell seconded, and motion carried unanimously to approve Item 3.A.4., Bright House Wi-Fi Agreement, with the modifications to Section 2.2.

3.C COPS Grant

Chief Wells said he is focusing on the community policing area of the grant, and his intention is to retain the two officers permanently.

MOTION: Commissioner Varnadore moved, Commissioner Smith seconded, and motion carried unanimously to approve the grant application for the COPS Hiring Program.

4. 2nd PUBLIC HEARING 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.

Mayor Bryant opened the public hearing.

Public Comment: Bob Marble commented on the definition of an open container. He opined that someone walking across the street with a bottle of wine that has been opened and has a cork in it would be in violation. He asked Commission to take a look at that before finalizing the ordinance.

Mayor Bryant closed the public hearing.

Commissioner Varnadore referred to page 3, Item b, of the ordinance: Activities of persons who have obtained a Special Function Permit approved by the City Commission, pursuant to applicable administrative regulations ... She asked if the City had established administrative regulations. Mr. Freeman said the reference, as it stands now, is incomplete; it is in anticipation of finalizing some of the processes for the permit. Mrs. Varnadore said they had looked at stringent criteria, and so far nothing has been established.

Commissioner Smith questioned the definition of open container including a cup. The cup becomes suspicious and could lead to something else. He said it applies in a vehicle, but what is probable cause if someone is attending a family event in a park? It could lead to search and seizure.

Chief Wells informed Commission that the cup could be taken out of the actual ordinance, but if during a probable cause encounter it is determined that there is alcohol in a cup, a violation has occurred.

Mr. Tusing explained that the reason for this ordinance is that in the zoning code under Planned Development there is not a category for alcohol. This ordinance corrects that omission.

MOTION: Commissioner Smith moved and Commissioner Williams seconded a motion to adopt Ordinance 2014-09 with the removal of sentence 2 in Section 4.5.

Discussion ensued. Chief Wells pointed out that the only thing that has changed is the addition of an open container. Prior to this, police had to witness alcohol being consumed. It is easier to prove the presence of an open container than waiting to see consumption. Sentence two does not affect how police approach these cases. It does not matter what the container is, it matters what is inside the container. If it can't be proved in court, the case will be thrown out.

MOTION: Following discussion, the motion on the floor carried unanimously with the addition of an amendment to change parking lot to public property.

Mayor Bryant recessed the City Commission meeting at 8:08 pm. to open the June 16, 2014 Special CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:47 p.m.

4.A Resolution 2014-13 Budget Amendment

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried unanimously to approve Resolution 2014-13.

4.B Discussion of an Amendment to the Current SFP for the July 4 Event

Commissioner Williams said the Rotary Club would like to serve beer at the July 4th celebration and the current permit does not allow for that.

Tracy Kanaan, incoming president of the Palmetto Rotary Club, passed out a paper outlining the history of the Club and its fundraising activities for the community. The paper is attached hereto and made a part of these minutes. This fundraiser is very important to the Club. Children north of the River will benefit and the Club will donate a portion of the proceeds back to the City.

Dave Lanni, current president, said all that they raise will all go back to the kids in the City in the form of scholarships or Christmas gifts for underprivileged families of elementary students.

Commissioner Varnadore commented that this is a City Special Function Permit. When it was approved, alcohol was not included, and there are no administrative policies in place that would govern this. The City is using over \$100,000 of tax payer money to have this event.

She asked where the proceeds back from the sales to the City would go, and what negotiations have gone on between the Rotary and City staff. Mayor Bryant and Jeff Burton said none. She asked where

the plan is for alcohol sales: security, insurance, training, etc. This is a family event, and it will be well attended. There is the potential for major problems.

Commissioner Williams commented that the Seafood Fest was well controlled. Mr. Lanni said Rotary could get training. They will ask for two locations: one in Sutton Park and one on Riverside.

Mayor Bryant said if this is approved that, at a minimum, Rotary should work with a substance abuse organization and insist on armbands and scanners. Ms. Kanaan said they have already looked into scanners and wristbands.

Commissioner Smith commented that he supports Rotary. They have a history of giving back to the community. Next year the City might want to open the opportunity to others, but Rotary has a good track record and we can try this with them and see how it works out. He trusts the Chief and the Mayor to put this together.

Commissioner Cornwell asked what the City's liability would be since this is a City function. What insurance policies would need to be put into place to hold the city harmless? Mr. Barnebey said we need indemnification, but we are not doing this as a City function per se, we are just allowing them to be at the event. He said there is more risk to the City since it is on City property, but he does not think there is the likelihood for liability. The City will require what we require from any vendor.

Commissioner Cornwell expressed great concern that the request is coming to Commission less than a month prior to the event; it is not an agenda item and will hold the City liable. The City could have worked some of these things out. She commented that it is not Commission's job to place the City in these positions. The Seafood Fest had a taxi service, security policy, and training, and we have nothing in writing that Rotary will do this. How will Commission know these things are being done? This would bring a lot of dollars, but to what extent? She said this would need to be answered before moving forward.

Mayor Bryant recognized Commissioner Davis who asked Rotary to respond.

Ms. Kanaan responded and informed Commission that Rotary International offers \$1million liability coverage for every event they do. Regarding the late lead time, she said she was copied on the email from the CRA to vendors, and it did not go out until mid-May.

David Bailey was sworn. He informed Commission that he approached the Mayor and Chief Wells a couple of months ago. He feels Chief Wells could monitor beer consumption by watching their vendor. He commented that Rotary could donate 10 percent back to the City. They can work with the CRA regarding location.

Mayor Bryant stated that this [alcohol sales] came up in a previous meeting. One Commissioner wasn't in favor of it, and no one made a motion to oppose that. There was no reason to have further discussion.

Mr. Bailey said he is part of De Soto and the Seafood Fest. He is familiar with the card readers. This is a way Rotary can generate revenue and give back to the kids in Palmetto.

Mrs. Varnadore recalled that when the City did the Seafood Fest, they had probably seven meetings and started nine months in advance. This is a non-agenda item; the public is not aware the Commission is considering this. She asked who would be in charge of security. Chief Wells replied that he is responsible now and will have the same amount of officers he would have for any event. He has not had prior discussions regarding this other than the fact that they (Rotary) were going to bring this forward.

In reply to Commissioner Varnadore's question, Chief Wells said they were paid for security for the Seafood Fest. She commented the City will be providing Rotary with the services that the Seafood Fest had to pay for. Again, we are using taxpayer money for this event. The City should plan for it if alcohol is to be served. This has been poor planning.

Commissioner Williams asked Mr. Barnebey if it would be better to have a separate Special Function Permit for this with the specifics the same as for the Seafood Fest. Mr. Barnebey said it could be done either way, and any conditions deemed appropriate could be added and conditioned on all the criteria required for the Seafood Festival.

Mr. Freeman commented that currently any vendor that comes to the event is required to provide proof of a minimum of \$500,000 liability insurance naming the City as an additional insured. Commission may want to increase that if alcohol is served. He stated that discussion has begun, but requirements have not yet been finalized for the permits.

Mr. Williams asked Mr. Freeman if he had a list of all the conditions required of the Seafood Fest with respect to the alcohol. Mr. Freeman said card readers, working with Manatee Substance Abuse, and taxi service, were some of the things he recalled.

Mr. Williams asked who applied for the July 4 permit. Mr. Freeman said the CRA. Mr. Williams said if the City moves forward with this, he recommends a separate Special Function Permit with the same conditions that were applied to the Seafood Fest in relation to the alcohol. In the future, we will be prepared for this. The staff will need to establish guidelines for this. He feels that the City may need to establish a lottery for a group to have the right to participate.

Mr. Barnebey recommended that Rotary list both the City and the CRA as additional insureds.

Mrs. Cornwell opined that it is not equitable to ask one entity to pay for security and not another. Chief Wells said the police department covered the entire event for the Seafood Festival. He did not station officers just at the beer tents. If you want someone stationed just at the beer locations, Rotary will have to hire off-duty officers. That would have to be a stipulation for the event. Mrs. Cornwell said that would make it more equitable.

Commissioner Smith stated that the Rotary Club should be treated like every other vendor. They should not be required to hire their own security. It defeats the purpose. They will not be able to make any money. The City will have enough law enforcement in place.

Commissioner Varnadore said De Soto paid for everything, and the event was pre-planned. If alcohol is served at the July 4 celebration, it will take away from the local businesses in the CRA District.

Mr. Smith asked Mr. Barnebey to draft a motion.

MOTION: Mr. Smith moved, Mr. Williams seconded, and motion carried 3-2 to approve the amendment of the Special Function Permit to allow alcoholic beverages to be sold by vendor at Sutton Park and at Riverside Park during the 4th of July celebration, with the condition that substance abuse training, proper insurance, and other documents consistent with what was done for the Seafood Festival be approved by the Mayor with review by the City Attorney. Commissioners Cornwell and Varnadore voted nay.

Discussion: Mayor Bryant commented that the list (conditions) will be extensive. Drivers will have to be provided to drive people home; whatever criteria were established by the Seafood Fest will be incorporated, and Rotary will need to meet with the CRA. The list will be broad.

Mr. Bailey said he would try to get the guidelines that De Soto used.

5. ASR WELL UPDATE

No update

6. DEPARTMENT HEADS' COMMENTS

None

7. MAYOR'S REPORT

Commended Commissioners Smith and Davis for participating in the 2014 Global Day of Prayer walk-work event. [This was a neighborhood cleanup event sponsored by PalmettoBUILD and Mt. Raymond church.]

Informed Commission she will be meeting with the County to discuss signage at the ball fields. There is no signage recognizing the City of Palmetto, the School Board or the Pittsburgh Pirates. The County has made arrangements for the other two scoreboards. A Selby Foundation Grant might be available for the screening.

Advised Commissioners that she will be sending out an email questionnaire regarding a City tour. She is proposing July 19 or July 26 for the tour.

8. COMMISSIONERS' COMMENTS

Commissioner Varnadore

Mrs. Varnadore stated that she was extremely disappointed with the gentlemen on the Commission. It was a terrible way to conduct the business of the City (referring to alcohol sales on July 4th).

9. ADJOURNMENT

The meeting was adjourned at 9:44 p.m.

Minutes approved: July 21, 2014

James R. Freeman

James R. Freeman, City Clerk