

Palmetto City Commission  
May 4, 2009 4:30 p.m.

Elected Officials Present:

Shirley Bryant, Mayor  
Brian Williams, Vice Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Ron Koper, Risk Manager  
Garry Lowe, Chief of Police  
Tom McCollum, Interim City Planner  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

Mr. Williams requested that item #3, Proposed Ordinance: Special Function Permits, be moved to be the first item of discussion by the Commission. Commission concurred.

1. PROPOSED ORDINANCE: SPECIAL FUNCTION PERMITS

Attorney Barnebey described scenarios that would require a specific function if the language in the current ordinance is read in a literal sense. He stated the proposed ordinance is to clarify the language and to receive direction as to what Commission wants to see controlled by a special function permit.

Commission made the following comments:

Sec. 19-173:

- Street closures: What are the rights of citizens who do not want a proposed closure approved? Attorney Barnebey stated the closure would be by Commission approval, and suggested closure guidelines could be developed by Commission and included in the proposed ordinance.
- City sponsored/co-sponsored events: Discussion ensued on requiring a special function permit for an event being held in a contiguous park on the same date or blocking the contiguous parks from rental on the same date.
- Event attendance threshold: Discussion ensued on a threshold of 50 or attendees requiring a Special Function Permit, which then triggers the requirement of a liability insurance from the applicant, and whether the number should be amended. Discussion also occurred on clarifying or establishing guidelines of a public use vs. a private use, regardless of the number of attending.
- Governmental events: Should City events be exempt.

Sec. 19-178

No amendment was made to the language.

Sec. 19-179

Insurance requirements for rented City properties when a Special Function Permit is required: Mr. Koper stated Florida League of Cities (FLOC) has confirmed that the execution of a City Rental Agreement does not negate the City's insurance on City buildings regardless of the number of attendees. Mr. Koper and Attorney Barnebey both agreed they would prefer to also receive private insurance. The City's property insurance will cover the building and the City would subrogate against the renter's liability insurance. Discussion also ensued on the fact additional insurance from a renter may make it cost prohibitive to rent facilities.

Indemnification: Attorney Barnebey stated that indemnification should be from the organization sponsoring an event, not just an individual signing for the organization.

Jason Moore, Moore & Moore Insurance, explained how a general liability insurance policy defends against a law suit. Included in the general liability is a fire legal liability. Special events policies for one day can be obtained by contacting any insurance agent, and cost approximately \$250. Mr. Moore also explained a waiver of subrogation, which is obtained by the renter and indemnifies the City. Mr. Moore opined that the City should maximize its insurance policy, and require general liability insurance and a hold harmless agreement from the renter.

Commissioner Varnadore suggested that Mr. Koper should confer with FLOC to determine exactly what type of insurance and appropriate limits the City should be obtaining from individuals renting City property. She further suggested that staff should determine if the cost of obtaining the insurance could be built into the schedule of rental fees. Mayor Bryant requested that Mr. Koper determine if the fact the City rents properties and additional insurance is required is considered when FLOC quotes premiums for property insurance.

Attorney Barnebey stated Commission will have to set by resolution what type and limits of insurance should be required.

## 2. FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE

Commission determined that it is beneficial for the Commission and department heads, or their designated representative, to attend the Florida League of Cities annual conference. Deanna Roberts will make reservations for all normally slated to attend; reservations will be cancelled if someone can not attend.

## 3. HURRICANE PREPAREDNESS PLAN

Mr. Koper gave a brief overview of the Hurricane Preparedness Plan and stated there are no major changes from last year except name changes. He stated the City must still develop a separate Continuity of Operations Plan for business and government, but will be facilitated under Planning.

Commission suggested the following amendments to the Plan:

### Tab 6 – Logistics

- Pre-storm site inspections will be moved to Operations
- Whitney Ewing will be moved to the Code Enforcement area under Operations

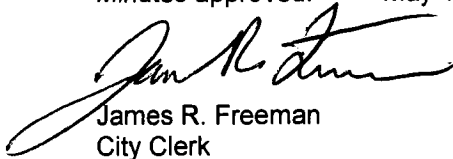
Tab 10 – Hurricane Organizational Chart

- Finance, Contracts, Legal Policies and Procedures should be shown under the Unified Commander not the Logistics Commander. Mr. Tusing agreed and stated the departments should be noted as having a communication line back to Logistics. He also opined Computers should be shown as a separate entity under Operations with a communication line back to Logistics.

Commissioner Williams commented that Parks should also be under Operations.

Meeting adjourned at 6:10 pm.

Minutes approved: May 18, 2009



James R. Freeman  
City Clerk