

Palmetto City Commission
June 15, 2009 4:30 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Tamara Cornwell, Commissioner
Tambra Varnadore, Commissioner (entered at 4:45 pm)
Alan Zirkelbach, Commissioner

Elected Officials Absent:

Brian Williams, Vice Mayor
Mary Lancaster, Commissioner

Staff Present:

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

Mayor Bryant called the meeting to order at 4:40 pm, followed by a moment of silence and the Pledge of Allegiance.

1. VERIZON CELL TOWER

Mike Knuckles, CCA Wireless, updated Commission on the Hidden Lake site as a potential location of a cell tower, stating due diligence has revealed no issues to prevent the construction of the proposed 100' flag pole tower, containing internal antenna for three carriers. Verizon representative Chris Lee also took part in the discussion. Mr. Knuckles requested that Commission allow the lease negotiations to occur in private. If a lease is agreed upon, then Verizon will hold community meetings concerning the proposed location.

Mr. Freeman highlighted the following points of the lease:

- City will receive 100% of the ground collocation fee in addition to an annual rental payment of \$13,200 with a 2% annual escalator. Mr. Freeman commented that he would consider a rental fee of \$1500 to \$1,800 per month to be more appropriate.
- City has requested that a white solid vinyl fence surround the compound vs. a chain link fence.
- If Commission desires that a flag be flown on the pole, Verizon has committed to providing the necessary lighting. Mr. Lee confirmed that Verizon will be responsible for the maintenance of the structure and replacement of the flag. It was consensus of Commission to display an American flag on the pole.

Commissioner Varnadore commented on the fact the new language added to the lease permitted the lessee to sublease space on the tower without the City's prior written consent. Discussion ensued on the fact the new language also prohibits the lease of any ground space (necessary for tower space) without City approval. Mr. Freeman and Mr. Knuckles stated they will review the language for possible deletion of the sentence reading, "Notwithstanding anything contained in this paragraph to the contrary, the LESSEE shall have the right to sublease space to one or more sublessees on the tower without the LESSOR's prior written consent".

Commissioner Zirkelbach commented on the fact the lease does not contain the Lessee's hold harmless and indemnification language. Attorney Barnebey agreed the language should be

present. He also stated language relating to the exemption under section 768.28 should be present.

Commission authorized Mr. Freeman and Mr. Barnebey to finalize the terms of the lease, with the intent that the topic will be brought back to Commission for approval. Commission directed that community meetings are to be held prior to Commission's final consideration of the topic. Mr. Freeman was also directed to negotiate the proposed monthly rental fee of \$1,100.

2. SPECIAL FUNCTION PERMIT

Attorney Barnebey stated the proposed ordinance had been amended based on Commission's prior comments. He noted that the ordinance still contains indemnification language, which in some cases may be impossible to obtain, and opined it may be more practical to require insurance.

Commissioner Cornwell requested that language be added that will allow a greater security fee to be charged as determined necessary by staff.

Commissioner Varnadore opined that the attendance figure requiring a Special Function Permit should be raised to 75 attendees vs. the current 50 attendees. Commissioner Cornwell requested that the capacity of each building be the deciding factor in established the figure.

Ron Koper, Risk Manager, provided a schedule listing the insurance costs for each City facility, broken down into a daily insurance fee a lessee could be charged should Commission determine additional insurance coverage will not be required. The list also showed the fee a resident and non-resident would pay. Mr. Koper cautioned that if insurance is waived for a resident, claims filed against the City's policy will increase City premiums, as there is no additional layer of insurance. Mr. Koper stated that the City can currently facilitate the purchase of additional insurance for a renter through Florida League of Cities.

Attorney Barnebey informed Commission that language requiring the return of a facility to its original condition after a rental is not contained in the ordinance. He recommended placing said language and the renter's responsibility for such action in the ordinance. Mr. Koper opined that if while a building is leased and it burns down, the lessee cannot return the building to its original condition because the lessee will not have additional insurance (if insurance is waived by the City); therefore, the City's insurance will bear the total expense. Mayor Bryant opined this insurance is a user fee and the taxpayers should not be responsible in the case of loss.

Staff was directed to bring the capacity figures for each City building back to Commission. Staff was also directed to look at security fees. Commissioner Varnadore commented on the fact she feels some of the facility rental fees should be lowered. The topic will be brought back to a subsequent workshop.

3. UNDER 21 ORDINANCE

Attorney Barnebey stated the City is attempting to adopt an ordinance more consistent with the Manatee County ordinance regarding persons under the age of 21 access to establishments where intoxicating liquors are sold and/or served, and will allow both law enforcement agencies to enforce the ordinance.

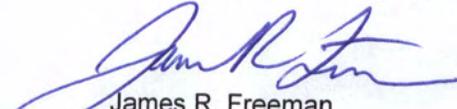
Attorney Barnebey reviewed Sec. 4-4 of the proposed ordinance. Discussion ensued on whether or not an underage spouse could enter a drinking establishment with a spouse of age; county prohibits an underage spouse entering the establishment. Attorney Barnebey reviewed the county ordinance, which prohibits the action. It was consensus of Commission to more closely parallel the county's ordinance.

Palmetto City Commission
Workshop Meeting
June 15, 2009
Page 3 of 3

Commissioner Zirkelbach stated that in response to business inquiries, he would like discussion concerning Sunday sale of alcohol on a future workshop agenda. Mayor Bryant stated she would like the Business Advisory Group to address the topic. Commissioner Varnadore stated that should this be a topic Commission decides to consider, community meetings should be held at the beginning of the process. She also commented on the pedestrian traffic and open containers that are being seen on 8th Avenue.

Meeting adjourned at 5:50 pm.

Minutes approved: July 20, 2009



James R. Freeman
City Clerk