

Palmetto City Commission
September 14, 2009 4:30 PM

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney
Tom McCollum, Interim City Planner
James R. Freeman, City Clerk
Chief Garry Lowe
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.

Chief Garry Lowe presented Dean Carter a plaque acknowledging his 30 years of service in the Police Department.

Mayor Bryant requested that Commission consider the proposed ordinance that will amend the Zoning Code to add recreation and amusement services to the schedule of permitted and conditional uses. Commission concurred.

1. SPECIAL FUNCTION PERMIT

Attorney Barnebey informed Commission that since the last review, the most significant proposed amendment is to add a Facility Use Agreement to the Special Function Permit process. This agreement, when provided with insurance, will exempt the event from obtaining the permit, particularly for City buildings. He recommended that if the facility use agreement is used, together with the insurance requirement, the attendance number triggering the need for a special function permit should be left at 50.

The insurance requirement was discussed. It was suggested that the City should determine the cost of a policy for special events so individuals using City facilities would not have to provide additional insurance. No action to delete the insurance requirement was made to the document.

Discussing the attendance threshold, and particularly the Carnegie Library, Attorney Barnebey confirmed that the proposed language would still require insurance even if a special function permit is not required. Commission directed that the attendance threshold requiring a special function should be set at the building capacity, or if there is no building capacity, the threshold should be set at 50.

Commission concurred that the administrative approval process outlined in the point paper should be included in the language of the ordinance.

Commission concurred that the indemnification language on the special function permit should be deleted, because of the questionable value of the indemnification and enforcement issues.

Commission concurred that the language in the point paper addressing an applicant's attendance at the City Commission meeting where the application is considered be incorporated into the ordinance.

Staff was asked to ensure that special function permit applications are time stamped.

The ordinance will be placed on the September 28, 2009 agenda for first reading.

2. ALCOHOL ORDINANCE

The proposed ordinance provides for consistent measurements between churches and schools from establishments selling alcohol. The proposed language will establish the measurement procedure to follow the shortest route of ordinary pedestrian travel from the main entrance of the place of business wherein the intoxicating beverages are sold, to and along public streets to the nearest point of the church or school property in use as part of the church or school facilities. Topics Commission discussed were properties that are fenced, and how the measurement would affect those businesses, and the definition of ordinary pedestrian travel. After debate, a majority of the Commission preferred that the measurement be to the property line of any church or school.

Mayor Bryant informed Commission that staff is in the process of building a data base of businesses selling or serving alcohol and if those businesses' alcohol license was properly issued. Attorney Barnebey opined that the City will have to grandfather businesses that were properly permitted, and address those businesses where a discrepancy exists. Mayor Bryant suggested that it may necessary to explore the types of licenses that have been issued, especially those licenses that have been issued to restaurants.

3. PROPOSED ORDINANCE NO. 09-1000

Mr. McCollum discussed the proposed ordinance that will amend the Zoning Code land use section to allow recreation and amusement services as permitted and conditional uses.

Mr. McCollum listed the objective criteria that have been developed for judging if the uses would be an allowable permitted use in zoning categories GC and CHI, as follows:

- The site must front on a principal arterial roadway
- A 6' perimeter wall or opaque fence must be installed adjacent to residential uses or residentially zoned property
- Hours of operation will be from 8:00 am to 12:00 am

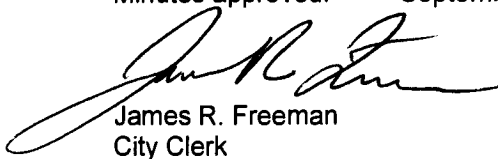
Mr. McCollum confirmed that if the proposed activity met the objective criteria, the application would be administratively approved by the Director of Planning without any Commission review. Commission discussed the topic and determined that the use should be conditional in both categories, which demands Commission review and approval.

It was also suggested that staff should research establishing distance requirements between establishments approved for the same type of use.

The proposed ordinance is on the 7:00 agenda for the first required public hearing.

Meeting adjourned at 6:00 pm.

Minutes approved: September 28, 2009



James R. Freeman
City Clerk