

Draft Minutes
CITY COMMISSION WORKSHOP MEETING
July 26, 2010
4:30 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2
Alan Zirkelbach, Commissioner-at-Large 1
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

James R. Freeman, City Clerk
Allen Tusing, Public Works Director
Chief Rick Wells
Sharon Jones, HR Director
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

Mayor Bryant called the meeting to order at 4:34 p.m. followed by a moment of silence and the pledge to the flag.

1. UPDATE: FLORIDA LEAGUE OF CITIES (10 MINUTE PRESENTATION)

Mr. Freeman introduced Andy Hanson, the City's local representative for the Florida League of Cities (FLC). He informed Commission that FLC is presenting a refund of \$10 million to members who had their property coverage with them in 2008/2009 and who will renew their coverage. This is the third year in a row that FLC has given a refund. The City's share of the refund is about \$33,000 and should arrive around the end of November. The refund is due to the fact that there have been no catastrophic events. The Florida Municipal Insurance Trust is the most comprehensive insurance program in the industry for municipalities, and one of the largest, if not the largest. The trust has \$400 million in assets. Many programs are available to the City as part of the policy.

2. PROPOSED ORDINANCE NO. 2010-14

Annexation of 8th Avenue from 23rd St. to its northern terminus to eliminate a gap in City jurisdiction between large tracts of land currently located within the City, and as part of the ball field project.

Mr. Barnebey told Commission that once the area is annexed into the City, at some point in the future a portion will need to be vacated subject to the construction on new 23rd. Two reasons for the annexation: The City has already annexed land east and west of this property, and the City's process for vacation is faster than the County's; probably by ten months. This annexation will help meet the time frame for the construction of 23rd. On July 27, 2010, the County will consider an agreement giving maintenance of that road to the City. He has been discussing with the County attorney whether a quit claim deed should be provided to the City. Mr. Barnebey thinks it should, but they have some questions about that. The motion they will consider tomorrow seems to allow for that, but because of the question on the quit claim deed, Mr. Barnebey suggested bringing the ordinance back on August 2, 2010, instead of moving it forward to the 7:00 p.m. agenda tonight.

Following discussion, Commissioner Varnadore said that since there was a meeting the following week, she would be in favor of delaying moving it forward tonight. She asked Mr. Barnebey to remind the County attorney that the City is on a tight timetable. The longer this process takes, the longer building the ball fields drags on. There was a consensus by Commission to bring the item back on August 2.

3. PROPOSED ORDINANCE NO. 2010-13 (M. Barnebey)

Discussion of the revised ordinance relating to the sale of alcoholic beverages of Sundays. Documentation for the agenda item is located at Tab 3 of the 7:00 agenda. This item will be carried forward to the 7:00 agenda for Commission action.

Mr. Barnebey informed the Commission that this is a revised ordinance providing for the sale of alcohol except for 2:30 a.m. – 6:00 a.m. any day of the week. This was a slight change from Ordinance 2010-07 which allowed the sale of alcohol during those hours on Saturday.

Mr. Barnebey commented that he had sent a memo to the Commission regarding some of the rules issues (regarding the conduct of meetings) that came up at the last meeting. Mayor Bryant said the new rules came out of comments from the public. The meetings have gotten too lengthy. She will be looking for a group consensus on any rules of procedure that Mr. Barnebey brings forward.

Regarding the alcohol ordinance, Commissioner Varnadore thought it would be a good idea to look at the whole ordinance before proceeding with changing this one section. It's been piecemeal so far; the distance from schools and churches being the last change. Mr. Barnebey said it would be up to the Commission. Mrs. Varnadore said it would save money on advertising.

She remarked that this ordinance does not limit the businesses that can sell on Sundays so that bars, all day special events, etc. can sell too. It's not limited to package sales in stores like Publix and Sweetbay for example.

Commissioner Cornwell said the Commission has not looked at the effects this ordinance may have, and why the original ordinance prohibiting sales on Sunday had passed. She asked if there was a way to track increases in assaults and domestic violence. How will the City pay for increased patrols on Sunday? A fee might be imposed that would come back to the City and help pay for these things. She would prefer to have a workshop on the subject.

Commissioner Williams opined that this needs to be disposed of and then Commission can come back later and review the rest of the ordinance.

Mayor Bryant said some of the local businesses have expressed concern about the portable carts. She is in communication with a municipality that has an ordinance that prohibits that kind of activity.

Commissioner Lancaster said the police department can deal with noise issues. She thinks the ordinance prohibiting alcohol sales on Sunday stemmed from one establishment, Byrd's *Bar*, located near a church. She believes this ordinance says that the businesses that sell alcohol Monday through Saturday can now sell alcohol on Sunday.

Mr. Tusing agreed with Mrs. Lancaster that the reason for the ordinance was Byrd's Bar and when the ordinance was passed all businesses, including package stores, got lumped in with the bars. He thought the survey that went out was to allow package stores to sell alcohol and not necessarily opening bars on Sunday.

Mr. Zirkelbach asked Chief Wells if the police force was less on Sunday. Chief Wells said it is the same every day of the week. Mr. Zirkelbach said his goal is to just mirror what the rest of the County does so that our vendors are not put at a disadvantage.

Based on her research, Commissioner Varnadore said there have not been alcohol sales on Sunday since 1937. Palmetto is a small town and it might not reflect well on our image. Eighth Avenue and 10th Avenue are what people see when they drive through the City. There are a lot of empty storefronts and this might open up the potential for bars coming into the City.

Mrs. Lancaster said if there was a prohibition that far back, it was not being enforced. One day won't make a difference here, and our businesses are not making the money.

Commissioner Cornwell asked Chief Wells if the police department is going to monitor Sundays and report back to Commission. There may be a need to increase the force on Sunday based on patterns that emerge. She is concerned also with bars coming into the City. These are some things that she would like to look at before moving this forward. Church on Sunday is not her objection to the ordinance; it's noise.

Mayor Bryant asked Commissioners if they would like to move this forward to the 7:00 p.m. meeting.

Commissioner Williams said the issue of bars opening up is not what is being addressed at this meeting, and if Chief Wells thinks he needs to monitor the situation, he will. That is his job.

Three of the Commissioners were in favor of moving the item forward to the 7:00 p.m. meeting. Commissioners Varnadore and Cornwell were not in favor.

4. PERSONNEL POLICY

The review continued at page 56: Harassment Policy

Based on a question from a previous workshop, Mrs. Jones directed Commission to Page 46, #12 as the location for explanation of refusal to submit to drug or alcohol screening.

Mrs. Cornwell asked Mr. Freeman for clarification of meeting dates. Mr. Freeman said the upcoming meetings will be: August 2, 3, 9, 16, 17, 23, 24 and 30. Commissioner Lancaster said she will not be at the August 3 meeting.

Commissioner Williams suggested changing some of the "mays" to "wills." The City needs to be known as a tougher community with respect to how it will handle these things. He asked why, on page 49 under Random Drug Testing, the random testing for drugs was 50% and for alcohol 25%. Mrs. Jones said this was the state of Florida requirement. He agreed with Mayor Bryant that the City has made progress in this area. Mr. Tusing said he believes that the 50/25 is a CDL requirement. In answer to Mayor Bryant's question, he said this would pertain to about ten out of fifty-four employees. The City could tighten up the requirement and make it 50/50. There was a consensus to do so.

Commissioner Williams pointed out a gender typo on page 59, C, 5. Change to his/her on line 4. He asked Mr. Barnebey to check and see if Garrity can be used by general employees.

Mr. Williams expressed concern about the statement in Discipline, Section 5, A: Non-probationary employees may be terminated only for cause. What about layoffs for financial reasons? Mrs. Jones said this pertains only to this section. Another article covers his concern. The Mayor asked Mr. Barnebey to add something here for clarification. Mrs. Lancaster asked for clarification about Florida being an at-will state and if the Personnel Policy overrides that.

Under Section 5.02, Progressive Discipline, Mr. Williams asked if all discipline is in a personnel file, including verbal discipline. Mr. Freeman said this is a new section; it should be documented. It will be added to this section.

The Personnel Policy review ended at page 67.

5. ADJOURNMENT

Mayor Bryant adjourned the meeting at 6:00 p.m.

Minutes approved:

James R. Freeman, City Clerk