

**CITY COMMISSION WORKSHOP MEETING  
DECEMBER 13, 2010  
4:30 PM**

Commission Members

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2 (entered at 4:45 pm)  
Alan Zirkelbach, Commissioner-at-Large 1 (entered at 4:50 pm)  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney (entered at 4:47 pm)  
Jim Freeman, City Clerk  
Lorraine Lyn, City Planner  
Rex Hannaford, Deputy Chief of Police  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

1. PRESENTATION: ENTERPRISE FLEET PROGRAM

Carol Fitzgerald, Enterprise Fleet, presented a general concept of a fleet management program. The program will look at total operational costs of the City's fleet of light and medium (anything not requiring a CDL) vehicles, not including police pursuit vehicles. She discussed some of the reasons Enterprise Fleet is credible, citing governmental agencies that have realized cost savings through their program.

After analyzing City information, she stated Enterprise would shorten the vehicle cycle from 14 to 5 – 7 years, the firm's recommendation of government's best practice. Proposed costs would reduce monthly maintenance from \$225 to a projected \$34.34 per month, with an estimated 20% improvement in fuel economy, or approximately \$19,000. Financially, a ten year savings on the 56 vehicles proposed for the program would amount to approximately \$460,900 or a 15% budget reduction of \$50,274 per year.

Commissioner Varnadore asked that all the Commissioners be supplied with an inventory of police vehicles, which Commissioner Williams had requested prior to the meeting, and from which he made general comments. The topic will be discussed and further researched by the department heads prior to being brought back to Commission.

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2. DISCUSSION: ALCOHOL ORDINANCE

Mr. Tusing stated the proposed ordinance came about after the changes to section 4.1 adopted earlier in the year, and after public comment regarding the Morning Breeze restaurant's inability to serve alcohol at the restaurant.

City Planner Lorraine Lyn referred to the public comment. She displayed a map of all alcohol sales locations, plus the required 300 foot measurement from a church or school. She stated that during the review of the ordinance, it came to light that sales are occurring on sites with no frontage on streets and eight locations are selling alcohol that are not zoned as commercial. Staff is recommending that the restriction on street frontage be eliminated. Attorney Barnebey opined that Commission should consider identifying locations selling alcohol by zoning rather than by addresses.

Discussion ensued on Section 4-2(a) and how the 300' measurement is made to a church or school. Commissioner Zirkelbach suggested that if the parcels are not contiguous the measurement could be entrance to entrance; streets could not make the parcels contiguous.

Mr. Tusing stated that Sec. 4-3(c) regarding the sale and consumption of alcohol on City property with an approved Special Function Permit was inserted based on previous discussions. Discussion ensued on ways events could be required to supply additional insurance and security for events where a Special Function Permit was approved that allowed alcohol sale and consumption. A majority of Commissioners agreed that the City should never sell alcohol at any event.

Attorney Barnebey stated that the definition of restaurant would be reviewed before the ordinance comes back to Commission. Section 4-3(a) referring to percentage of alcohol will also be reviewed.

Mr. Tusing reiterated that the ordinance has been brought back because of its effect on the Morning Breeze Restaurant at 10<sup>th</sup> Street and 28<sup>th</sup> Avenue. The sections affecting the restaurant are 4.2(b) and (c). He asked for resolution on 4-2 (b) and (c) so the business can serve alcohol on premises.

Attorney Barnebey suggested that if the two sections are removed, Commission must consider how the affected businesses will be treated. He recommended making them conditional uses; existing businesses will be grandfathered in until they make changes or expand. The action will give the City more control than currently exists. Generally, most of the uses are close to residential areas, which would allow them to be treated as conditional uses in z zoning code.

Commissioner Williams stated the eight properties that are not zoned commercial need to be properly zoned. Mr. Tusing recalled that the last two lots on 9<sup>th</sup> St., 9<sup>th</sup> St. Dr and 8<sup>th</sup> St. were rezoned commercial in the 1960's, so staff will research the RM6 zoning that is currently listed for those properties. Lorraine Lyn recommended a conditional use for properties not zoned commercial. Attorney Barnebey confirmed with Ms. Lyn that in the commercial zoning category, the sale of alcoholic beverages would be a permitted use, assuming they meet all the criteria. In the planned development category, the use would have to be approved at the time the project is approved.

Commissioner Varnadore and Commissioner Cornwell stated they would not support the proposed ordinance if 4-3(c) was not removed, at least for further discussion on Commissioner Cornwell's part. Mayor Bryant discussed the need to make 4-3(c) very restrictive, should it survive further discussion.

Mr. Tusing suggested that 4-2(a) should be left as written where it reads "to the property line" unless the property is fenced, then the measurement would go to the "entry way of the fence". Commissioner Varnadore did not agree to the suggestion. Commissioner Cornwell stated she would need to see additional information.

The topic will be brought back to a future workshop.

Meeting adjourned at 6:05 pm.

Minutes approved:

*James R. Freeman*

James R. Freeman  
City Clerk