

**CITY COMMISSION WORKSHOP MEETING  
DECEMBER 5, 2011  
4:30 PM**

Commission Members

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

Staff Present

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:34 p.m.

1. DISCUSSION: OPEN BURNING

Attorney Barnebey reported that the Florida Forest Service regulates open burning and Florida Department of Environmental Protection (FDEP) regulates yard waste burning. He reported FDEP has established allowable hours and setbacks for yard waste burning but, there are no requirements to obtain a permit for burning yard waste. He also reported that specific regulations for the burning are set forth in Chapter 62 of the Florida Administrative Code.

Attorney Barnebey informed Commission that Manatee County has an ordinance for open burning; it is not being enforced because of State regulations. He discussed the City's ability to work with FDEP to develop a burning ordinance but, there could be issues with enforcement assistance from the department. Attorney Barnebey opined that if the City should develop its own ordinance and it is more restrictive, the City would be responsible for enforcement.

Attorney Barnebey was asked to research if the City could completely eliminate open burning, to see how the other local municipalities handle the issues, and to see if there are different restrictions for residential vs. commercial burning. He will also determine how the City could have staff members certified so the City can enforce State regulations.

2. DISCUSSION: POLITICAL SIGNS

Mr. Freeman explained the current process in the Code governing political signs. In the past, the timing of when signs can be erected has been an issue, as the Code is silent; it has been the practice that signs cannot be erected more than 60 days prior to an election. Signs are not allowed on City property or in the right-of-way and they must be removed within seven days following the election to receive a refund of the \$100 deposit. Mr. Freeman stated there are procedural issues that will be fine-tuned before the next election.

Attorney Barnebey informed Commission that Manatee County had removed the 60-day time frame for erecting signs from their code because of federal guidelines; there was a federal case that suggests that the timing of when signs can be erected cannot be governed. He cautioned that this issue is sensitive because of First Amendment issues.

Attorney Barnebey opined the \$100 deposit requirement is probably reasonable. He suggested that the seven days to remove signs should probably be extended to 30 days and there should be no time limit on the erection of signs, or possibly limit the erection to the time of filing. He cautioned that if it is perceived the City is "overly restricting the First Amendment rights of the people involved", the entire sign ordinance can be put in jeopardy.

Discussion ensued on why political signs are not allowed on City property or right-of-way. It was suggested that the right-of-way should be defined by a measurement.

Mr. Freeman suggested that Commission should consider a size limitation on the signs, and cited the sizes allowed by Manatee County. It was consensus of Commission that 10' should be the maximum height on commercial property and the maximum square footage would be 6' in residential and 32' in all other categories.

Mayor Bryant asked staff to bring back information regarding the number of individual's for whom the City has had to remove signs, together with the number of signs removed from the right-of-way.

Mayor Bryant suggested that the City should follow the Supervisor of Elections' rules as closely as possible. She opined the sign removal time should be 15 days rather than 30 days.

Mr. Tusing discussed the Code's limitation on the number of bundles of yard waste that will be picked up at one time. He informed Commission he is working on some policies to govern the removal of excess yard waste. He will also research enforcement of yard waste that is blown into the street.

Meeting adjourned at 5:25 p.m.

Minutes approved: December 19, 2011

*James R. Freeman*

James R. Freeman  
City Clerk