

**CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
MARCH 5, 2012
4:30 PM**

Elected Official Present

Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 1
Alan Zirkelbach, Commissioner-at-Large 2 (entered at 4:35 p.m.)
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Elected Official Absent

Shirley Groover Bryant, Mayor

Staff Present

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

Vice Mayor Williams called the meeting to order at 4:30 p.m.

1. PROPOSED ORDINANCE: CRIMINAL NUISANCE ABATEMENT

Since the last review, Attorney Barnebey amended the ordinance as follows:

- Added definitions for controlled substances and place and premises
- Changed the terms of the board members to be two years
- Section 20-57, clarified that the City may bring enforcement actions on behalf of the board.
- Section 20-57, added sections c (based on comments from Commissioner Williams), and d, e and f (which are restatements from the Statutes).

Attorney Barnebey confirmed that as drafted, any unit within an apartment complex would be considered a place or premise because the property is under one ownership. Condominiums are under individual ownership so any one unit would be one place or premise. Attorney Barnebey explained the Nuisance Abatement Board makes the decision that a property before them is a public nuisance, and the enforcement of the decision City lies with the City. Only the fine imposed by the board can be appealed to the Commission. He suggested that if the decision by the board is to close the property, that the ordinance be amended to include Commission notification of action taken to close a property. The Commission would have to take action before a property can be demolished. He confirmed that anything short of filing suit against a property is within the executive power of the Mayor.

Attorney Barnebey explained that the City can monitor a property declared as a nuisance for a period of one year by inspection. During this jurisdiction period is when a \$500 per day fine can be assessed for repeat violations. Attorney Barnebey will determine if due process is necessary for a repeat violation.

Chief Wells discussed evidence that will be document with an investigation. He explained that an investigation occurs at an address and then the property owner evicts the tenant; a new investigation occurs at the same address with a new tenant; those would be separate cases for the Police Department. Chief Wells suggested that is the way the ordinance should be drafted, and should be the same for an apartment complex. Attorney Barnebey does not think that is how the ordinance is drafted. Attorney Barnebey suggested that enforcement will probably occur when a property owner or apartment complex manager does not work to resolve an issue. Attorney Barnebey explained the ordinances gives a wide

variety of enforcement tools, but it may be necessary to look at it after actually implementing the ordinance and hearing a case.

The ordinance was moved forward to the 7:00 agenda for Commission action.

2. PROPOSED ORDINANCE: REDISTRICTING

Attorney Barnebey introduced Dr. Robert Pennock, FSU Applied Demographics, who has developed the three options for redistricting the City's ward boundaries. The last time the redistricting was done was 2003 after the 2000 Census. The 2010 Census data was used to develop the proposed options.

Dr. Pennock explained how he had arrived at the data contained in the three options to arrive at an overall range of ward population below 10% at a minimum, keeping the minority percentages as close to the current numbers as possible, as well as keeping the wards compact and contiguous. A copy of the current ward boundaries and the three options are attached to and made a part of these minutes.

Commissioner Smith voiced concern with drawing boundaries when an original boundary map from 1990 is not available. Commission discussed the three options. Mr. Barnebey explained that projected growth was considered when developing the options. He opined that in some instances it is obvious there are errors in the population count and the City can challenge the count before June of 2013. Dr. Pennock confirmed that every individual counted in the Census is classified in a particular race. Dr. Pennock explained how the data does not separate out the white population and how often Hispanic and Latinos will classify themselves as "some other race". The Census showed that in Palmetto the Black or African American saw no increase; Hispanic or Latino rose slightly and "some other race" counted 1,322 individuals.

Attorney Barnebey stated the Supervisor of Elections has reviewed the three options and personally chose Option C. He confirmed that all three current Ward Commissioners will remain within their Ward in any of the three options. He also stated he can defend all three options.

Commissioner Varnadore departed the meeting at 6:14 p.m.

Discussion continued on the options some of the Commissioners preferred. Attorney Barnebey agreed that the issue can be looked at again before the next Census, and will be looked at sooner should the City decide to challenge the Census data.

Commission agreed to move the topic to the 7:00 agenda for Commission action.

Minutes approved: March 19, 2012

James R. Freeman

James R. Freeman
City Clerk