

**CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
MARCH 4, 2013
4:30 PM**

Commission Members Present

Tambra Varnadore, Vice Mayor, Commissioner, Ward 2
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Charles Smith, Commissioner, Ward 1
Brian Williams, Commissioner, Ward 3

Commission Members Absent

Shirley Groover Bryant, Mayor

Staff Members Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Deanna Roberts, Administrative Assistant*

***Minutes corrected April 1, 2013 to show that Deanna Roberts was in attendance.**

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

1. CONTINUATION OF ORDINANCE 2013-02 REGULATION OF MOBILE FOOD VENDORS
AND TEMPORARY USES DISCUSSION

This item is scheduled to be moved forward to the 7:00 p.m. agenda for a first read.

Attorney Barnebey explained that following previous discussions, the ordinance has been simplified. Three categories have been established: daily vendors, seasonal vendors and permanent vendors. Daily vendors are not required to get a permit but must remove their vehicles and goods each night. They may not locate their vehicles or goods in drive aisle areas and visibility triangles or required parking spaces. If they do not comply, they are subject to code enforcement. Seasonal vendors must obtain a Temporary Use Permit from Public Works. They do not have to leave each night. They must submit a site plan, survey or aerial photograph and have similar limits on locations regarding parking and visibility triangles. They are allowed up to 120 days per calendar year on site. All others vendors are considered permanent and will need site plan approval.

Mr. Barnebey informed Commission that the public hearings will be put off for two weeks to April 1 and April 15 so that Commission can get comments from the Planning and Zoning Board.

He explained that the City can regulate use of public rights-of-way, but there are restrictions on State rights-of-way that he is reviewing and will address at the public hearing.

Mr. Barnebey stated that regardless of what happens to this ordinance, the Business License Tax law will still apply; we are governed by State law.

Commissioner Smith said he would not approve the ordinance without knowing what the fees will be.

Mr. Tusing referenced Other Mobile Vendors in the ordinance. Mr. Barnebey said he will clarify that they could be shut down if they are in violation of other City Ordinances.

Commissioner Cornwell asked for a redline copy of the ordinance with Planning and Zoning comments when it comes back to Commission.

Commissioner Cornwell asked where in this document fees are addressed. Mr. Barnebey said this will be addressed in the general zoning code. She asked how a citizen would know that a fee is being assessed. Following discussion, it was suggested that a cover letter or summary sheet be provided to the general public so that they know what fees to expect or actions to take for any City services for which they apply. Mr. Tusing said he can prepare packages for each type of vendor so they can see exactly what they need and what fees apply.

Mr. Barnebey opined that it is likely that Ribfest and the fair may need to obtain a Temporary Use Permit or a Special Function Permit. He will address that at a later date, but it may be possible to exempt the fair and provide an exemption for an event that is no longer than three days, which may address the majority of events in the City.

Commissioner Smith commented that the ordinance must be fair to everyone. Also, disasters should be included because in a disaster, all businesses may be operating out of a cart.

Vice Mayor Varnadore asked how daily vendors will know what the rules are if they don't need a permit. Mr. Barnebey said Code Enforcement can go out and tell them they have to move out of a site triangle or address whatever rule they may be breaking. Mrs. Varnadore suggested a registration to at least get contact information for daily vendors. Mr. Freeman commented that information will be on the Business License Tax application. Mr. Barnebey remarked that some vendors may be exempt from the license. Mrs. Varnadore said that if you make exceptions, we're back where we started, and in her opinion, this is not ready to go to a public hearing. Commissioner Williams agreed. The ordinance still does not address some of the issues.

Mr. Freeman explained that the Business License Tax is an annual fee, and currently canteen-type businesses pay \$39.00 per year. He read the definition: "A business tax receipt is required for any person who maintains a permanent business location or branch office within the City for the privilege of engaging in or managing any business within the City." Mrs. Varnadore commented that a daily vendor would therefore be excluded from that requirement. Again, a registration would contain some contact information and give the City a chance to give the rules to the vendors.

Mr. Barnebey said at this point he does not have clear direction on the ordinance, and he does not know how to bring it back any differently other than not to have one. He asked for consensus on any changes or for direction to proceed to public hearing for comments.

Vice Mayor Varnadore needed clarification on the vendors at the fair, Ribfest, private events, etc. where Special Function Permits are not required. Mr. Barnebey said one day does not require a permit. She asked how they will know the rules. He gave the example that many ordinances do not have permits, but if someone violates them, the City will still enforce them.

Commissioner Smith expressed concern with so much debate on this ordinance and only a two-person Code Enforcement Department when there are so many other issues in the City. He questioned the costs involved in enforcing the ordinance.

Commissioner Williams opined that the fair and schools should probably be exempt. They usually monitor their vendors, and this ordinance is basically trying to monitor vendors that set up on the street and are not part of an event. He would like to see a registration.

Commissioner Cornwell stated that the ordinance would be complaint driven, and that is how the City could monitor vendors.

Commissioner Smith cautioned the City on creating a legal document that could exempt some people. It could be challenged.

Mrs. Varnadore said the main purpose of this ordinance was for safety and land use, so vendors would know where they need to be on the property. The daily vendors seem to be the biggest issue. Code Enforcement may have to begin working on weekends to monitor the daily vendors.

Mr. Barnebey agreed the City may have to look at weekend code enforcement. He believes that vendors that are here on a regular basis will comply once they have been told what the ordinance says. It is not hard to comply with. In his opinion, the ordinance is ready to move forward for public hearing as written.

Mr. Burton recommended citing the vendors in violation with a moving violation tied to their driver license.

Commissioner Smith said he will not support the ordinance because there are too many questions.

Mr. Barnebey recapped: Daily vendors do not need a permit. Seasonal vendors, unless they have a Special Function Permit, will have to get a Temporary Use Permit. The fair could get a Temporary Use Permit. He said there will be at least two public hearings with an opportunity to hear comments and to make changes.

With respect to the Temporary Use Permit, Mrs. Varnadore asked if Manatee County Government and the Fair Association will have to pay that fee. Mr. Barnebey said if they are an overnight event, then yes. He suggested that no one be exempt.

2. DISCUSSION: DOWNTOWN CORE DESIGN ORDINANCE NO. 2013-05

Mr. Barnebey said the primary purpose of this ordinance is to change Downtown Core Design Guidelines to Downtown Core Design Codes to show that some of it is regulatory. Also, currently, if you do not comply with this, the City Planner interprets the guidelines. This allows applicants with something equal to or better than what the code provides for to bring to City Commission for review. He has also included a provision that certain things cannot be modified.

Mrs. Varnadore asked for a redline copy showing any additions or changes.

There was consensus to proceed with the ordinance.

Due to time constraints at this meeting, the ordinance will come back to Commission at the next workshop.

Mr. Burton commented that the CRA supports the ordinance. This will help people trying to develop in the interim between this ordinance and a review of the codes.

The meeting adjourned at 6:08 p.m.

Minutes approved: March 18, 2013

James R. Freeman

James R. Freeman, City Clerk

Minutes corrected: April 1, 2013

The March 4, 2013 minutes were corrected to show that Deanna Roberts was in attendance.