

**CITY OF PALMETTO**  
**CITY COMMISSION WORKSHOP MEETING**  
**June 16, 2014**  
**4:30 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Jonathan Davis, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Charles Smith, Commissioner, Ward 1 (Entered at 4:36 p.m.)  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, Police Chief  
Deanna Roberts, Administrative Assistant

Mayor Bryant opened the June 16, 2014 City Commission Workshop meeting at 4:30 p.m.

1. CREDIT CARD DISCUSSION

Mr. Freeman informed Commission that with the new software program (BS&A), the City will have the ability to accept online utility payments. This is an existing service that will continue, but he is looking for feedback on some of the costs associated with processing those transactions and some things that might be possible in the future. He provided a handout which is attached to and made a part of these minutes.

The current online payment option has a \$2.00 convenience fee for either credit card or ACH payment. The fee helps offset part of the cost the City incurs from the merchant. Many residents have indicated that they would use the option if there was not a fee. A survey showed that most other municipalities no longer charge the fee (included in the handout), either online or in person.

At the present time, the City does not accept credit cards in person; only online. Advantages and disadvantages are outlined on the handout.

Allowing payment by credit card online saves postage for customers, and merchant fees are offset by the time the City saves processing the paperwork for in-person payments; however, the more credit cards are used, the more merchant fees the City will incur.

BS&A partners with Point & Pay and payments are updated online in real time. One option offered is the Absorption Model, which is a flat fee of about \$1.25 for certain cards. The City would absorb the cost, and that would have to be built into the budget.

The other model is the Convenience Fee Model by which the customer would pay a fee, and the City would cover all or most of its costs through the fee.

Commissioner Varnadore asked about administrative fees in the water revenues in the General Fund. She asked if that covered staff time. Even though it is not a specific allocation, she thinks it is somehow wrapped up in that portion of the budget, so the City should go ahead and absorb costs. She commented that we are a credit card/debit card society. She is in favor of absorbing the costs at this time for the convenience of our customers. There will be fewer customers coming in if they are able to pay online, and

that potentially frees up someone at the front desk to handle other responsibilities. If too many commercial accounts sign up and the cost to City is too high, we could revisit this.

Mr. Freeman said another option on the new system is E-Billing. There would be no paper bills. The customer could set up ACH direct debit. This currently cost the City a flat fee of .65, and the amount due automatically debits into our account every month.

Mr. Freeman explained to Commissioner Davis that the cost would be a flat fee of .75 through a special program for government entities for utility payments, but, again, not all cards qualify for that flat fee. Mr. Davis said we should try this and after a time check and see where the City is at with cost.

Mr. Williams agreed with absorbing the cost. He recommended adjusting the utility ordinance to provide for a tiered approach. The City cannot absorb the really high bills. He asked for a list of cards that we will accept at no charge to the customer. We also need a list of cards that we will not accept. He commented that the telemetry meters were saving the City money, and that money could be used towards absorbing some of the costs.

Commissioner Cornwell said it is time, and she is excited about moving forward and trying it out.

Mr. Freeman explained to Commissioner Smith that the City currently charges a convenience fee of \$2.00 to pay online. Under the Absorption Model, the City would absorb the cost and do away with that fee.

Commissioner Varnadore agreed with Commissioner Williams on the idea of a tiered system. She suggested the City might absorb fees under \$200. She would not be in favor of absorbing costs for large commercial accounts on a monthly basis. She asked if it was possible to exclude commercial accounts. Mr. Freeman will look into the possibility of separating the accounts. Commissioner Cornwell opined that commercial accounts will just pass the costs on to their customers. Mr. Freeman said most of the requests to pay by credit card come from residential accounts. He pointed out that if a commercial account uses a credit card that qualifies for the program, the fee will still be approximately \$1.25, no matter the amount of the bill.

Mr. Freeman will bring this back to the next workshop and address changes that will need to be made to the ordinance. He commented that it sounds like Commission is comfortable with absorption, but has concerns about larger customers.

## 2. NOISE ORDINANCE 2014-06

Chief Wells informed Commission that the Department's decibel meters are obsolete. He would have to purchase a new one. The County uses Quest Technologies. A new meter that could be certified and calibrated would cost \$2,000 - \$3,000. Up to fifty employees could be trained for a \$600.00 fee. There is a \$300 cost to have the meter recalibrated each year.

Commissioner Cornwell said Mr. Barnebey had stated that the ordinance now in effect (the reasonable man standard), would hold up in court. She asked if that is true, why would we go to this expense. He said this would be a backup; another means to enforce the ordinance that is more definitive. People can disagree about what is reasonable.

Mr. Barnebey said there has been only one issue that has brought this forward. Chief Wells said there has been a difference of opinion. Only one officer out of twenty has reported that the music coming from that location is unreasonable. Three residents say otherwise.

Commissioner Varnadore asked the Chief to check to see if it is possible to lease the equipment. She asked if his recommendation would be to purchase the equipment or stay status quo. He said the Police Department has no problem with the reasonable man standard, but that leaves things open to

interpretation and people can disagree. If you say 25', that establishment's music would have to shut down now.

Mrs. Varnadore asked how this ordinance will affect the next ordinance regarding outdoor eating and drinking establishments. Mr. Barnebey said this ordinance would apply to them as well. Those establishments could have approval contingent upon stipulations.

Chief Wells explained that this ordinance does not stipulate how many complaints you have to have. If one person complains, that qualifies as a complaint. The first complaint would be a warning; second call would shut down the music if the noise meets the standard. Mr. Barnebey said if there are multiple offenses, the City could pursue an injunction.

Chief Wells commented that if we did not have this ongoing problem, he would tell the City to stick with the 25' standard. He already knows they are violating the standard.

Mr. Barnebey opined that this issue may not be solvable without banning the music.

Commissioner Smith expressed concern that one person could shut down an establishment. Mr. Barnebey said that it is possible if a business is violating the standard set by the City.

Chief Wells commented that the reasonable man standard is no good unless you can prove the 25' distance. Mr. Barnebey said if you cite someone, it will probably be done using a decibel meter.

Commissioner Williams remarked that we must do something to protect the quality of life here. He quoted surveys from an article asking state attorneys what points are considered in order to prosecute the noise ordinance violations. Previous warnings or past problems were important to show history; the level of noise; and, training of officers were all considered extremely important in the prosecution of the cases. He opined that we need to start now and get officers trained. He suggested the Chief might find grants for the meters. Mr. Williams commented the City needs both: the reasonable man standard and the decibel meters.

Mayor Bryant asked about the possibility of mitigating the noise. Mr. Barnebey said this situation is unique as the distance is linear as well as goes up several stories. Chief Wells said Code Enforcement has made some recommendations to the establishment.

Mr. Barnebey said similar ordinances have been tested and upheld as constitutional. Decibel meter ordinances have also been upheld if you meet the standards. The Commission can go whichever way it would like to go.

Mr. Barnebey expressed concern that if the sale of some properties are negatively affected by the two ordinances (noise and outdoor eating and drinking establishments), the City runs the risk of being challenged under the Harris Act.

Commissioner Varnadore said some of this is growing pains as the City is promoting mixed use and there will be noise. She opined that 25' is a short distance. Mr. Barnebey said this is largely taken from the County ordinance and he actually increased the distances in some cases. The Commission needs to take a look at the distances. Mr. Barnebey suggested that it might be helpful to have the property owners in question meet with the Mayor.

Chief Wells said he will look into leasing the equipment and also look at other companies.

Commissioner Varnadore asked Mayor Bryant if she had any meetings with the situation at Riviera Dunes. Mayor Bryant answered that Code Enforcement has been doing that. So far, it has not been successful. She did not know if anyone had met with the owner of the property where the restaurant is located. She will reach out to the owner.

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The meeting was adjourned at 6:02 p.m.

Minutes approved: July 21, 2014

*James R. Freeman*

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James R. Freeman, City Clerk