

**CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
November 17, 2014
4:30 PM**

Elected Officials Present

Jonathan Davis, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2—(Entered the meeting at 4:44 p.m.)
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3—(Entered the meeting at 4:41 p.m.)

Elected Officials 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
Amber Foley, Assistant City Clerk

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

1. ORDINANCE 2014-07 OUTDOOR EATING AND DRINKING ESTABLISHMENTS

Attorney Barnebey addressed the changes that were made to the proposed ordinance since the last meeting. Those changes are marked in blue on the attached ordinance. Mr. Barnebey noted that if an establishment violates the Code, their Permit may be terminated as provided but may be requested through a new Conditional Use or Planned Development application.

Commissioner Varnadore questioned D(2) of the ordinance that states “authorization to operate an outdoor eating or drinking establishment which utilizes outdoor sound amplification equipment shall be initially effective for one year, but shall be renewed automatically provided that no repeat violation of this Section 6.25 or Article I of Chapter 5 of the Palmetto Code of Laws has occurred during the year prior to renewal.” She disagreed with the auto-renewal option stating that what if in years two and three they have violations. Attorney Barnebey clarified that the way this ordinance is currently written, the City would only look at the previous year for violations, and if none, would renew; the establishment would not be reviewed for years prior. Discussion continued regarding renewals and violations.

Commissioner Varnadore opined that this ordinance should not be written to only include sound amplification equipment; it should also include language that addresses sound amplification that may be caused by large outdoor gatherings, televisions, sports bars, outdoor games, etc.. Attorney Barnebey explained that those types of noises would be covered under the newly adopted Noise Ordinance. Discussion continued regarding what to do with the types of businesses that may not have amplified noise but have outdoor eating and drinking and noise is created from the volume of people that are outdoors. Attorney Barnebey stated that it is possible to include a threshold of the allowable number of people to be outside at one time. Mr. Tusing opined that if the City were to establish a threshold of the number of allowable people to be outside eating and/or drinking, it could potentially detract from new businesses wanting to develop into the City. Commissioner Smith agreed stating that there are several establishments currently that have outdoor eating and drinking without sound amplification; how would that threshold affect their business? The consensus of Commission was not to establish a threshold for outdoor seating at this time.

Commissioner Cornwell expressed concerns regarding the tracking of businesses that have violations throughout the year. Chief Wells and Mr. Tusing indicated that they will make sure to develop a chart that is shared between departments to indicate which businesses have had violations that year.

Commissioner Williams opined that the Conditional Use Permits should have a single renewal date similar to how the City does the Business License Tax renewals. Mr. Tusing agreed and would like to see uniformity for these Permits.

Attorney Barnebey stated that these are the changes to be made to the ordinance:

- Each Conditional Use Permit will be for one year; October 1 to September 30.
- If two violations during the one year period, the Permit will be revoked.

This item will be on the next Commission agenda as a first read with the public hearing to follow.

Vice Mayor Davis adjourned meeting at 5:45 pm

Minute approved: December 1, 2014

James R. Freeman

James R. Freeman
City Clerk