

Draft
CITY COMMISSION WORKSHOP MEETING
June 6, 2016
4:30 p.m.

Elected Officials Present:

Shirley Groover Bryant, Mayor
Harold Smith, Vice Mayor, Commissioner, Ward 1
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 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
Scott Tyler, Chief of Police
Deanna Roberts, Administrative Assistant

Mayor Bryant opened the June 6, 2016 City Commission Workshop meeting at 4:32 p.m.

1. ORDINANCE 2016-09 NOISE (M. Barnebey)

Discussion of the County's Noise Ordinance.

Mr. Barnebey told Commission that he recommends flexibility in the noise ordinance, and the City of Tampa Ordinance provides a great format for that. It provides for different standards in different areas of the city; for example, Ybor City and the Channelside area. He opined the County's ordinance is a good start for the City, but he believes we will have to go to some sort of measurement standard.

He informed the Commission that the State Attorney's office has indicated they will not take forward a criminal prosecution on a noise ordinance without a measurable decibel level. We will still have the reasonable man standard in the City, but it is appropriate to look at a different standard for the downtown area and other areas. He is looking for direction from the Commission.

Mr. Barnebey referred to the Hillsborough Ordinance. He said it goes too late in the evening, and allows too high a noise level, but we could look at something like that for our downtown area and outdoor cafés.

Commissioner Smith said the City wants new businesses, but we may have a noise ordinance that discourages new businesses. He does not think we have a problem.

Chief Tyler commented that the issue moving the City forward in revising the ordinance is whether judges in the Twelfth Circuit are going to consider our ordinance. The State Attorney has said unless we go to a decibel standard, they won't consider a criminal case. He believes it has gone further and may even extend to civil citation cases, so the City will have to go to a decibel standard. He said the City needs different standards for outdoor dining areas.

Commissioner Varnadore agreed that we may have to go to a decibel level. She opined we may be premature with the noise ordinance until the zoning ordinance is changed and the City looks at where it will designate mixed use. That will need to have a different set of standards. Chief Tyler confirmed for her that at this time we do not have any problems.

Commissioner Williams recommended waiting until we see what the County and the City of Bradenton are going to do. It may be several months before we are ready to move forward.

Mayor Bryant commented that it is clear we are not going to opt into the County's noise ordinance. She asked if everyone received the Hillsborough Ordinance. Mr. Barnebey said he will make sure everyone gets a copy. She thinks that would be a good place to start.

Mr. Barnebey clarified that we would be looking at different decibels and times for different areas of the City. Chief Tyler said the decibel levels should be easy to plug in once you define what goes on in each area of the City.

Mr. Barnebey asked to bring this agenda item back to Commission at the first meeting in August.

Commissioners Davis and Williams asked for a demonstration of decibel meters.

2. ORDINANCE 2016-06 PARKING IN LIEU (M. Barnebey)

Attorney Barnebey informed Commission that he had provided them with copies of a walkability study. Five blocks was not out of the range for uncovered parking. Our current boundary is about a six block distance.

Commissioner Williams asked Mr. Barnebey to explain why the word "developer" has to be in the ordinance, because every other place refers to a property owner. Mr. Barnebey said developer could be taken out. Mr. Williams said the property owner makes the final decision. Mr. Barnebey said payment will actually be made at the time the property is developed. The developer may not be the property owner, but he is okay with taking developer out.

Mr. Barnebey clarified for Mr. Williams that, with the exception of commercial apartments, this does not apply to residential. Mr. Williams asked if the cost of the parking spaces includes maintenance. Mr. Tusing said no. He asked if the City could put in parking meters. Mr. Barnebey said yes.

Mr. Williams expressed concerns that if someone is paying for parking in lieu because there is not enough parking, where will the customers park during the ten years. Mr. Barnebey said the problem might be corrected in part with the street parking we have now, or parking in a parking lot the City currently has.

Mr. Tusing said not all properties will want to be involved in the program. The program is geared more for small parcels. Larger tracts of land must provide for parking and must use it.

Mr. Barnebey commented on Subsection (2) of Section 28-80 on page 1. He said the City Planner has the right to deny a use if there is inadequate parking within a reasonable walking distance. This ordinance is just a tool to provide some flexibility.

Mr. Williams asked if the City would be responsible for providing a parking lot in the ninth year. Mr. Barnebey said it may require the City to put in angled parking, not necessarily a parking lot, to provide the agreed to spaces.

Commissioner Varnadore asked if existing businesses could take advantage of this. Mr. Barnebey said a business could change "use" and that might require more parking. Under the current code they could not get approved to do that. She asked if the owner or the lessee would come in. Mr. Barnebey said he doesn't care who pays, but someone will have to pay.

Mr. Tusing said this is to help with the redevelopment of properties. He pointed out that buildings do not have parking; the use has parking. If the use changes, you have to provide the parking for that use.

Mrs. Varnadore asked when a business changes, does the lessee or the property owner pay for changing the use. Mr. Tusing said a property owner will pay to get a viable business there. A property owner can buy into the parking, and it stays even though the lessee leaves. The additional parking stays with the property. The lessee can pay too, but someone will pay depending on the lease arrangement. Mr. Barnebey will add the lessee to the ordinance.

Commissioner Varnadore opined she does not see this as being enough of a problem to have this ordinance. We may end up at the end of the ten years having to give the money back. Currently, we have only two businesses that may want to pay into this. Where will the rest of the money come from? We need another tool to help these two businesses.

Mayor Bryant said there are other businesses that are growing, and they may want to buy into a parking trust. And, anytime a use changes in a building, it may require more parking. She said we are not talking about building a parking garage, but long term we will wind up there.

Mr. Burton commented the reason for this was to maximize the commercial square footage of properties in the downtown. The City has an excess of parking, and this would allow the private sector to build out their property to increase the tax base and use parking the city owns and maintains. He said a parking study was done using property we already own to increase parking space without building a garage.

Commissioner Varnadore opined we need a lot more planning before we are ready to implement this [parking in lieu]. Mr. Burton said a parking study was done in 2014.

Mr. Williams said this needs to be addressed in the Comp Plan. He recommended waiting until the Riverwalk project is done and then adjust to what we want in the community. This ordinance is not needed right now.

Mr. Barnebey reminded Commissioners that they had significantly increased densities, intensities and heights a few years ago. There are at least three instances where this could be used. There are some opportunities that will be lost if this, or something similar to this, is not adopted. Several businesses will have to look at other options. The parking study can be provided.

Commissioners Williams and Varnadore said they cannot support the ordinance.

Mayor Bryant asked where the harm would be in establishing, from a data base of available parking that the City owns, spaces that businesses can pay for in a parking trust and use. The City can begin putting in more parallel spaces. Or, out of this data base of available spaces, the City could designate five for this business, or five for that business from that inventory. Where is the risk? You are providing parking as you go.

Commissioners Williams and Varnadore said they would like to be shown where the parking is located.

Mr. Barnebey said the City currently has excess parking; for example, it is rare that the parking behind the library is ever used. There is also parking by the Woman's Club, and parking up and down the streets. He said we have time to acquire enough money to build parking. Mrs. Varnadore asked if 100 spaces were paid for in the trust, at the end of ten years would the City have to provide 100 additional spaces. Mr. Barnebey said yes. Again, they asked for the possibilities of where this parking would go.

Commissioner Davis asked that Commission be provided a copy of the parking study. He asked if parking in lieu is for the lifetime of the property. Mr. Barnebey said yes.

Mayor Bryant informed Commission that she will leave this on the workshop.

Mr. Tusing reminded Commission that a Project Development and Environment (PD&E) Study is planned for 10th Avenue. He needs to have Commissioners at all the meetings. This is being done by the Florida Department of Transportation, and he will provide the meeting dates.

The meeting was adjourned at 6:05 p.m.

Minutes approved: