

**CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
February 6, 2017
4:30 PM**

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—(arrived at 5:10 p.m.)
Brian Williams, Commissioner, Ward 3

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police
Amber Foley, Assistant City Clerk

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

1. ORDINANCE 2016-09 NOISE

Attorney Barnebey recapped the last few meetings that this item has been discussed. The attached Ordinance is written similarly to that of what was adopted by Manatee County and has both the reasonable man standard as well as the decibel level standard. The State Attorney's Office requires a decibel level standard in order to prosecute if necessary. He stated that there are set decibel levels for the City with exception areas; those areas would be (per his suggestion) the 10th Street/Old Main Corridor District as recently adopted into the Downtown Design Guidelines, the Manatee County Fair Grounds and the Convention Center. These locations for exemptions are his suggestion and can be changed and modified by the Commission and adopted in the Ordinance. Attorney Barnebey is seeking direction to move forward with this Ordinance.

In regards to the exceptions, Commissioner Davis requested the Riverside Marina be included and possibly parts of Riviera Dunes where there are eating/drinking establishments.

Commissioner Smith requested that Commission be shown how the decibel meters work and asked if training would be provided to use these devices. Chief Tyler explained that the Police Department does not currently own any decibel meters but have budgeted for them. If and when they are purchased, the officers will be training on how to use them. Commissioner Smith expressed his opinions on buying decibel meters and would prefer that Commission is shown them and how they work before a purchase is made. Attorney Barnebey explained that he would appreciate it if this Ordinance could be moving forward while waiting for decibel meters to be shown to Commission. Chief Tyler indicated that most of the time the reasonable man standard will be used when a complaint is made to the Department about noise; the decibel reading will only come into play if the violator is persistent and continuously violates. Chief also explained that he has researched noise complaints made over the last couple of years, and he noted that no citations were issued, only warnings. He highly expressed that he does not see this changing with the adoption of the decibel readings as an option in the Ordinance.

Commissioner Williams requested that command staff at the Department review the current Ordinance as presented tonight. Commissioner Williams addressed Section 5-4, Prohibited Acts. He reviewed Section (2)(b)1. a. b. and c. The times listed are as follows: a. says 6:00 p.m. to 1:00 a.m. b. says 3:00 a.m. to 6:00 p.m. and c. says all other times. Commissioner Williams questioned a and b with the two hour gap. Discussion ensue regarding the time of 1:00 a.m. and 3:00 a.m. The consensus of the Commission was to change a. to read "Eighty-five (85) dBA or eight-seven (87) dBC between the hours of 6:00 p.m. and 2:30 a.m.", delete b. and make c. new b. Section 5-4 (2)(b)1 will only have a. and b. listed.

In regards to a specific training, Chief Tyler explained there is not anything specifically set by the State. He will be in contact with other agencies that use decibel meters and will base the training off of what they do and works best for the City and the officers.

Mayor Bryant left the meeting at 4:54 p.m. and returned at 4:58 p.m.

Commissioner Smith expressed his opinions about the City using and buying decibel meters seeing there is not a problem. He did not think it was necessary to buy decibel meters at this time due to the little complaints in the City.

Commissioner Williams requested a map be made and presented to the Commission at the next meeting that shows the "entertainment" area as discussed earlier. Mr. Tusing was asked to make this map showing the 10th Avenue/Old Main Corridor (as indicated in the Downtown Design Guidelines) which includes east and west along the Manatee River between 8th Avenue and 11th Avenue. Attorney Barnebey suggested to add the Convention Center Complex and the Manatee County Fair Grounds too.

Commissioner Williams asked that if/when this Ordinance is adopted that the public will be notified either in their utility bill or a separate mailing and let them know this Ordinance will take effect within 30 to 60 days after the notice.

Commissioner Davis exited the meeting at 5:34 p.m. and returned at 5:35 p.m.

Commissioner Varnadore mentioned a few clean up areas in the Ordinance to be changes i.e. "County" changed to "City" and some street names mentioned throughout. She expressed her opinions on adopting the "Entertainment District" into the Historical District. If that is the choice of the other Commissioners, then she opined that a distance variable be established on how close these establishments (making the noise) are close to residences.

Commissioner Cornwell expressed consideration in the Ordinance regarding Special Events, i.e. if an event wants to be later than the 2:30 a.m. if approved via Special Function Permit.

It was noted that this Ordinance will be cleaned up with the items discussed at this meeting and brought back to Commission at the next workshop with a map as mentioned.

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

(TAB 2)

Due to the time, this item was not discussed.

Mayor Bryant adjourned the meeting at 5:54 p.m.

Minutes approved: March 13, 2017

James R. Freeman

James R. Freeman
City Clerk