

CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
June 5, 2017
4:30 PM

Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police
Amber LaRowe, Assistant City Clerk

Mayor Bryant called the meeting to order at 4:32 p.m.

PRESENTATION: Wengay "Newt" Newton will provide a Legislative Update to the City. The presentation is rescheduled for the next Workshop on June 19th due to a Special Legislative meeting.

1. ORDINANCE 2017-10 SITE PLAN REVIEW

Attorney Barnebey stated that, due to the discussion at the last meeting, the Code was amended to require setting of public hearings by the City Planner within a reasonable time after acceptance of a completed application and after a decision of the Planning and Zoning Board. The current Code requires public hearings to be set within 30 days. This has proved to be unreasonable in some cases, this is why the change is being made. This Ordinance is on for a First Read at the 7:00 p.m. meeting.

2. SKYWAY HALF MARATHON SPECIAL FUNCTION PERMIT

The applicant, Shane Henry, presented an overview of the Event to the Commission. A copy of his presentation is included in both this agenda packet and the 7:00 p.m. packet. The event is to be held on New Year's Day (January 1, 2018) and is a half marathon over the Skyway Bridge and head south to Blackstone Park. He presented a revised City of Palmetto road closure map that shows the route heading down 23rd Street instead of 17th Street as originally proposed. He highlighted the event details that also includes the day before the run. There will be shuttles provided along with partnering with Uber and Lyft to provide shuttle service to those in the race. He will be using LED televisions at the Park to help display event information to cut down on the use of a loudspeaker as much as possible.

The Commission was pleased with the event and wished the applicant success on his first annual Skyway Half Marathon. This event application is on the 7:00 p.m. meeting for formal approval.

3. ORDINANCE 2016-09 NOISE

Attorney Barnebey discussed the attached revised Noise Ordinance. The changes include:

- It continues to allow enforcement through either "the reasonable person standard" or by decibel standards. The State Attorney's Office will not prosecute this ordinance without decibels, but staff is aware the Commission wants to continue utilizing the "reasonable person standard" as the first line of addressing this issue.

- Certain areas are designated to allow for higher decibel levels during certain hours of the day to promote more outdoor dining and events ("Entertainment Zones").
- The Entertainment Zones have been reduced in size.
- Pursuant to the last discussion, the hours to allow higher noise levels in the Entertainment Zones were changed to between 6:00p.m. and 12:00 a.m. (midnight) and the decibel levels have been reduced to a maximum seventy (70) dBA or seventy-two (72) dBC during those periods. These zones are areas where urban activities are anticipated and encouraged (10th Avenue and Riverside) or already experienced (the Fairgrounds and certain areas of 10th Street).
- The proposed decibel levels at 70 dBA and 72 dBC for the Entertainment Zones are low for similar types of ordinances and staff recommends consideration of 75 dBA and 77dBC for the Entertainment Zones during the proposed time periods in order to prevent discouragement of redevelopment of these areas.
- An exemption was added for the historically recognized Manatee County Fair activities at the Fairgrounds.
- A broader exemption was provided for street sweepers, mosquito foggers, air conditioning units and power generators.
- Enforcement shall be by the Police Department.
- A section was added to allow a special noise permit which allows private property owners a maximum of three times per calendar year to exceed the noise ordinance. This is intended to allow such things as an occasional noisy event at places such as the Fairgrounds, a restaurant or bar, as well as a party at an individual's home. The reasons for denial must be specific. This provision would lessen due process arguments.

Discussion ensued regarding the need for a decibel level with most Commissioners indicating that the reasonable man standard is working for the City and the residents just fine. Attorney Barnebey opined that it would be a good idea for the City to include the decibel levels in the event prosecution needs to occur.

Commissioner Davis discussed the Special Noise Permit that was added to the Ordinance. He questioned the specifics of the Permit. Attorney Barnebey stated it would be a basic application with the date and times and location. The City can deny a Permit; however, if that occurs, the City would then need to appeal their decision to the Court per statute. The applicant can say they do not need an appeal if they so choose.

Commissioner Smith does not agree with the Fair being an exemption. He also discussed the proposed entertainment district and the boundaries. Currently the boundaries are set up as restrictively as the Attorney feels comfortable with doing. Commissioner Varnadore does not agree with an entertainment district, especially in the "Historic District" along 10th Avenue West.

Commissioner Varnadore questioned the need for a noise permit. Attorney Barnebey is proposing the Permit due to the decibel levels that Commission is suggesting; there will be several events that will exceed the proposed decibel levels. Discussion continued regarding the noise permit. Commissioner Varnadore opined that both the entertainment district, the noise permit, and decibel levels is not necessary for the City. She explained that if a district is needed, that the "Historical District" should be eliminated along 10th Avenue West and only include the Fair Grounds area as well as the El Sombrero/The Hall area along 10th Street East in the "Industrial District" area. Mr. Tusing expressed his opinions about the 10th Avenue West corridor. He believes that having an entertainment district along 10th Avenue West will help facilitate economic growth along that corridor in the downtown area.

Commissioner Williams asked that Attorney Barnebey review Section 5-4(1)(a) and (b) and Section 5-4(2)(a) and (b) to ensure they make sense as written and are necessary for the City.

Commissioner Davis discussed the Special Noise Permit. Attorney Barnebey clarified that the Commission can establish hours that the applicant can have the Permit for as well as a decibel level they shall not exceed.

Commissioner Smith does not believe there is any noise issues in the City at all. Chief responded by saying that there are a couple noise complaints a year and it is manageable right now; however, he agrees with the Mr. Barnebey on including a decibel level for the City in the noise ordinance. Commissioner Smith reiterated his opinions on noise complaints in the City. Commissioner Varnadore opined that a decibel level should be established for all special events at public parks.

Mayor Bryant asked that this discussion come back at the next available Workshop meeting to discuss three individual topics to include:

1. Decibel levels
2. Special Noise Permit
3. Entertainment District

Mayor Bryant adjourned the meeting at 6:00 p.m.

Minutes approved: June 19, 2017

James R. Freeman

James R. Freeman
City Clerk