

## **CITY COMMISSION WORKSHOP MEETING**

**March 21, 2022**

**4:30 pm**

This Commission Meeting was conducted utilizing Communications Media Technology. Some Staff members were present in the Commission Chambers while others were present via the Zoom application to respect the social distancing guidelines.

### **ELECTED OFFICIALS PRESENT IN CHAMBERS:**

Shirley Groover Bryant, Mayor (Not Present)  
Tambra Varnadore, Vice Mayor, Commissioner, Ward 2  
Harold Smith, Commissioner, Ward 1  
Brian Williams, Vice Mayor, Commissioner, Ward 3  
Sheldon Jones, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2

### **STAFF PRESENT IN CHAMBERS:**

Mark Barnebey, City Attorney  
Marisa Powers, City Attorney  
Mohammed Rayan, Public Works Director  
Scott Tyler, Chief of Police  
Jim Freeman, City Clerk  
Kera Hill, Development Services Supervisor  
Xaiver Colon, Assistant CRA Director  
Penny Johnston, Executive Assistant  
Vanessa Cochran, Assistant City Clerk  
Cassi Bailey, Assistant City Clerk

### **STAFF PRESENT ELECTRONICALLY:**

Todd Williams, Information Technology (IT) Consultant

Vice Mayor Varnadore opened the meeting at 4:30 p.m. Mr. Freeman introduced Cassi Bailey as the new Assistant City Clerk and announced that Vanessa Cochran will transition to the Human Resources Generalist position.

#### **1. INTRODUCTION OF DEVIN BLOOME, VEOLIA NORTH AMERICA**

Mr. Rayan, Public Works Director, introduced Devin Bloome, as the Wastewater Treatment Plant Manager for Veolia North America.

#### **2. ORDINANCE 2022-04 MOORING OR ANCHORING OF LIVE-ABOARD VESSELS (M.BARNEBEY/S.TYLER)**

Attorney Barnebey discussed Ordinance 2022-04 Mooring or Anchoring of Live-Aboard Vessels. When the department heads met, they discussed the increase of boats mooring and anchoring in the City of Palmetto's waters. They looked at Bradenton's Ordinance, which puts a 72-hour limit on these vessels. This Ordinance being proposed is similar to the City of Bradenton's Ordinance.

Chief Tyler reported that the citizens and Commissioners are concerned about what's happening on the waters. He stated that waste is not being disposed of properly. Some of these vessels do not have any navigation devices or any means to get help while on the water.

Commissioner Cornwell inquired about the notification time frame. Chief Tyler responded that it is when the vessel is noticed by Law Enforcement, Code Enforcement, or Florida Fish and Wildlife Conservation (FWC). She asked what happens if a person relocates to Bradenton and returns after the 72-hour notification. She asked if there is a way to link the two cities' Ordinances. Commissioner Cornwell expressed that she is not in favor of the 72-hour notice because the boater can return after the 72 hour-notice, and a new time frame begins. Chief Tyler responded that the intention is for this to be an inconvenience and will discourage boaters to moor or anchor for long periods. Chief Tyler recited that State law regarding vessels in the water, gives them a very narrow leeway to regulate these vessels.

Attorney Barnebey stated that we could ask the County to adopt an ordinance similar to Palmetto's. Commissioner Cornwell inquired about the fees regarding derelict vessels and what happens if the boater does not pay their fines. Chief Tyler replied that none of this is criminal.

Commissioner Jones asked Chief Tyler what happens after the \$250 fine. Chief Tyler addressed that they could become a derelict vessel, and it can possibly be removed. Commissioner Jones asked who is the marine team? Chief Tyler explained that there are a few officers that can Captain the City's boat. They also meet regularly with FWC who handles some of the cases for the City. In addition, they work closely with the surrounding area's Marine Teams.

Commissioner Smith asked what is the difference between this Ordinance and Bradenton's Ordinance? Attorney Powers responded that ours has a little more "teeth" in it because we define who can issue the violations and the penalties that will incur. Commissioner Smith inquired about the boat that is sinking in the City's waters. Chief Tyler summarized how boats are removed from the waters and their partnership with FWC to remove certain boats.

Commissioner Williams inquired about the meaning of residential structure in the Ordinance.

Commissioner Williams requested the definition of live-aboard vessels. Attorney Barnebey will review and provide this information.

Commissioner Williams asked what is a reasonable time for emergency situations? Attorney Powers and Barnebey responded. They discussed the definitions of Commercial vessels. He inquired what the floating structure term includes. He also discussed the rights Code Enforcement would have in citing these vessels. Commissioner Williams brings up the discussion regarding boats anchoring in front of an owner's property.

Chief Tyler, Attorney Barnebey and Commissioner Williams commented on what the process will be to contact the vessel owners when issuing violations. Commissioner Williams echoes his concern with the possibility of boat owners moving their boats back and forth between Palmetto and Bradenton's waters. He also addressed his concern with property owner's being allowed to anchor their boat in front of their property. Chief Tyler commented that boat owners aren't required to hold insurance and there is the possibility of the boat breaking loose and damaging other docks.

Commissioner Jones suggested bringing the item back to discuss at another time. Commissioner Williams wanted to move forward with the first reading at tonight's meeting. He stated his last concern was the level of fines for these violations.

Vice Mayor Varnadore addressed Commissioner Williams' comment on owners anchoring boats in

front of their property. Chief Tyler responded that it would need to be addressed. Vice Mayor Varnadore discussed her concerns with sovereignty land and the owner does not own it, they should not be able to dock their boat there. They would need to dock their boat at a marina. She asked for more information to be brought back for them to discuss. Chief Tyler agreed they would bring more information. Vice Mayor also suggested to have the coordinates posted on the notice and language changed regarding the time frame. Attorney Powers and Chief Tyler agreed and will review and provide updates.

Commissioner Smith inquired about the distance of the boat in front of their home and asked for clarification. Commissioner Williams commented that it varies depending on their deed. He recommended The Code Enforcement title be removed. He stated that there are loopholes regarding the fees. Attorney Powers will review other City's Ordinances when revising the City's Ordinance. Attorney Barnebey noted that Bradenton doesn't seem to be having a major problem, and they have a similar ordinance.

Commissioner Cornwell questioned The Code Enforcement Officer's role in issuing violations and requested clarification.

Commissioner Williams inquired about day sailors and if they would be affected by this Ordinance. He also brought up tourists, who anchor during vacation, and the possibility of applying for a permit to stay for longer than 72-hours.

Vice Mayor Varnadore requested clarification on the Ordinance regarding living on the boat. She requested that more information be brought forward on boats that are anchored in the waters that are not live-aboard. Vice Mayor stated that this is the first step to solve this problem.

Vice Mayor Varnadore adjourned the meeting at 5:36 p.m.

MINUTES APPROVED: APRIL 4, 2022

***JAMES R. FREEMAN***

JAMES R. FREEMAN  
CITY CLERK