

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
July 18, 2011  
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present:

Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Chief Rick Wells  
Lorraine Lyn, City Planner  
Mark Barnebey, City Attorney  
Deanna Roberts, Administrative Assistant

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Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

All persons intending to address City Commission were duly sworn.

Public Comment: James Hanlon informed Commission that he attended the CRA meeting to ask that 13<sup>th</sup> Avenue West be added to the CRA revitalization projects list. No action has been taken. There are still problems with mosquitoes, speeding drivers, road encroaching onto properties, etc. He asked for this to be made an agenda item at a future meeting so that he could present his case to the Commission. He has pictures that would help his case. Mayor Bryant asked Mr. Hanlon to provide that information so that it could be discussed in the Department Heads meeting, as that is where the agenda is determined.

Presentation: Attorney Rachel Layton of Kirk Pinkerton, and immediate past president of the Florida Planning and Zoning Association (FPZA), presented the City with the FPZA Outstanding Public Development Award for the Palmetto Elementary School Complex. Other entities involved in the project, including the School Board, Manatee County, the Boys and Girls Club and Just for Girls Club, also received the award on behalf of their efforts towards this project.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Cornwell moved, Commission Lancaster seconded, and motion carried unanimously to approve the July 18, 2011 7:00 PM Agenda.**

2. CONSENT AGENDA APPROVAL

**A) CITY CLERK'S OFFICE**

1. Minutes: June 20, 2011

**B) POLICE DEPARTMENT**

1. Authorization to submit a change in scope and purpose totaling \$27,500 for the 2010 JAG Allocation Grant. The change in scope will replace aging COBAN computer and video systems with "rugged tough book" laptops and docking stations, as well as beginning the installation of in-car, stand-alone video recording systems.
2. Authorization for the Mayor to apply, execute documents, and accept a 2011 JAG Allocation Grant in the amount of \$21,925 to provide licensing and implementation server seats for the proposed change in scope and purpose to the 2010 JAG Allocation Grant.

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded, and motion carried unanimously to approve the July 18, 2011 Consent Agenda.**

3. FLORIDA LEAGUE OF CITIES VOTING DELEGATE (J. Freeman)

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded, and motion carried unanimously to nominate Commissioner Cornwell as the Voting Delegate to the 85<sup>th</sup> Annual Florida League of Cities Conference.**

Mayor Bryant announced that she would not be attending the conference.

4. 1<sup>ST</sup> READ: ORDINANCE NO. 2011-15

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REVISE THE NOTICE REQUIREMENTS FOR CITY COMMISSION AND PLANNING AND ZONING BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR REAFFIRMATION AND RATIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded a motion to schedule a public hearing August 1, 2011.**

Attorney Barnebey commented that due to noticing requirements, the date should be changed to August 15. Commissioner Lancaster amended her motion, Commissioner Cornwell amended her second. In answer to Mrs. Cornwell's question regarding noticing requirements, Mr. Barnebey said that it is set by the Florida Legislature.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded, and motion carried unanimously to schedule a public hearing August 15, 2011.**

5. 1<sup>ST</sup> READ: ORDINANCE NO. 2011-16

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-83, BOARD OF TRUSTEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried unanimously to schedule a public hearing for Ordinance 2011-16 August 15, 2011.**

Discussion: Mr. Barnebey clarified for Commissioner Cornwell that members shall be appointed for a term of two years, and the terms can be renewed. The terms can go beyond the Mayor's term, but not more than two years. Mr. Williams referred to line 21... unless he sooner vacates the office or is sooner replaced by the Palmetto city commissioner at whose pleasure he shall serve... He commented that section needs

to be deleted as was done in line 6, based on the new Charter. Mr. Barnebey clarified that the Vice Mayor can make appointments as the designee of the Mayor, and that this ordinance applies only to the Pension Board.

6. 1<sup>ST</sup> READ: ORDINANCE NO. 2011-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 2011-09 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR TEN SINGLE-FAMILY DETACHED DWELLING UNITS GENERALLY LOCATED AT 4009 11<sup>th</sup> STREET COURT WEST, PALMETTO, AND LOCATED IN THE PD-H (PLANNED DEVELOPMENT – HOUSING) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 acres)

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded, and motion carried unanimously to schedule a public hearing August 15, 2011 for Ordinance 2011-17.**

Discussion: Commissioner Williams asked if amenities are put off, what guarantee do we have they will be added later? Mr. Zirkelbach suggested that if a second home is built, the City should require a bond so that all the amenities get built. Mr. Tusing said that could be a consideration of the approval. Mr. Barnebey interjected that this is first reading, and this item will come back to Commission again. Mr. Tusing asked that any specific questions be sent to Ms. Lyn prior to the public hearing. Mr. Barnebey advised that this is coming back to Commission tonight because this plan is not consistent with the stipulations previously approved. It is a better plan, but it is not consistent. Mr. Barnebey said the General Development Plan will expire in one year.

7. JUNE CHECK REGISTER

The June check register was provided to City Commission for informational purposes.

8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant informed the Commission that at the present time there is no alternate site for the ball fields. She was unable to negotiate a price with the owner of the alternate site. This morning she met with the School Board, the County and Mr. Preston. The School Board will help find an alternate site. The City will most likely extend the current agreement to try to extend 10<sup>th</sup> Avenue, but at the same time the School Board will help seek out other sites.

Mr. Williams asked about attorneys' fees. Mr. Barnebey said the City has been looking at ways to configure 10<sup>th</sup> and also the ball fields; there have been no significant fees expended on that. He commented there will be only minor fees to review the extension agreement which has already been done. The School Board has authorized the City to do the revisions to the contract, separating out 10<sup>th</sup> from the ball fields; potentially two separate agreements running on parallel tracks. At some point there may be some additional legal description expenses and appraisals. There should not be any additional fees from Mr. Preston's attorney, based on prior agreements.

Mayor Bryant informed Commission that all parties are assisting in finding an alternate site. The School Board volunteered Mr. Pendley to help with the search. The County will help as well, especially with grants.

Mayor Bryant said she had invited Mr. Goforth, the Little League's vice president, to the meeting this morning, but he was unable to attend.

Commissioner Cornwell inquired about alternate sites for the Little League. Mr. Tusing and Mayor Bryant said that options have been extended to the Little League for use of other sites, but they have not accepted.

Mayor Bryant advised Commission that the School Board has offered the Little League an indefinite lease on a vacant school building on 10<sup>th</sup> Avenue at the old Palmetto Elementary School site for storage of equipment. It has not yet been signed, but it has been presented to them.

#### 9. ASR WELL UPDATE

Mr. Tusing said he has been reviewing the permit application design for the ASR submitted by the engineers. When all questions have been answered, he will submit to FDEP for the permits. Mayor Bryant has signed the extension of the agreement with SWFWMD. The funding has been locked in, and the City can move forward.

#### 10. DEPARTMENT HEADS' COMMENTS

##### Allen Tusing

He apologized to Mr. Hanlon if he had missed a date certain for a solution to his problem. He told Commissioner Lancaster that he has looked at the property several times, and the proper way to solve the problem would be to remove all the trees, pipe the ditch, put a storm water system in and curb and pave the roads. Mayor Bryant asked if paving the road would create an assessment to the property owners. Mr. Tusing said yes.

Mrs. Cornwell said the property owners complain that the grading of the road causes water to run into their yards. She asked if the road could be graded another way so the water ran in another direction while we look for a permanent fix. Mr. Tusing said grading and sloping of the road to reroute the water would require all the trees to be removed.

Mr. Zirkelbach said he had walked the area with two engineers. There are nine trees. Water can't make it over the ditch because the root system of the trees has created an elevation of the bank. Selective trees could be removed to create a flume, or, all trees could be removed in order to regrade the bank. Removal of the trees would change the character of the roadway.

Again, the Mayor commented that this needs to be discussed in a Department Heads meeting to come up with a cost to present to Commission.

Mr. Tusing said the trees belong to the City. Mayor Bryant commented that the removal of the trees would be very expensive. Mr. Tusing said he will bring a report back to the Commission with some options.

##### Jim Freeman

Federal grants are available for solar panels on public buildings. Companies are getting money to do installations on public buildings. This would be a zero cost, or low cost, lease to the City for five years, and then the panels would be donated to the City. In return, the companies get energy credits. A company in Cape Coral has approached the City to do the work. The system would save on electric bills. The Police Department, City Hall, Public Works and the Wastewater Treatment Plant have been identified as possible locations for the systems. A contract would be involved. The attorney would have to review it, and the time frame would be by the end of the year.

Commissioner Varnadore asked Mr. Freeman to check with other municipalities that have participated to see how this has worked for them.

Commissioner Cornwell asked if it would it have to go out to bid. Mr. Freeman said there is no cost to the City, and the company approached the City. He doesn't think it would have to go to bid.

Commissioners asked for more information.

##### Chief Wells

No comments.

Mark Barnebey  
No comments.

#### 11. MAYOR'S REPORT

Emergency operations meetings will be scheduled in Commission Chambers. The City will do a press release to advertise it, and the public and all businesses and mobile home park residents will be invited to attend. The topic will be hurricane preparedness and reentry following a hurricane. She asked all to please encourage attendance when plans are finalized. The Mayor's office is in touch with Laurie Feagans and Don Hermey at the County to plan the workshop.

NOAA Extreme Weather 2011 Information Sheets and Hurricane Guides are available at the entrance to Commission Chambers.

Veolia has invited Commissioners to a dinner at the Florida League of Cities Conference on Friday, August 12. Please RSVP.

Attended the Florida Highwaymen Exhibit on Saturday, July 16. She purchased a print which she showed to Commission. That evening she attended the VFW's A Patriot's s Night to Remember.

#### 12. COMMISSIONERS' COMMENTS

Commissioner Varnadore  
No comments.

Commissioner Zirkelbach  
No comments.

Commissioner Williams  
No comments.

Commissioner Cornwell  
Attended the Historic Board meeting. They are a wonderful group; working diligently to replace the flooring. The Mayor is working with them.

Commissioner Lancaster  
No comments.

#### 13. PUBLIC COMMENTS FOR CITY COMMISSION

None.

#### 14. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Minutes approved: August 1, 2011

*James R. Freeman*

James R. Freeman  
City Clerk