

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND SPECIAL CRA BOARD MEETING
July 16, 2012
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3 (Entered meeting at 7:10 p.m.)
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Alan Zirkelbach, Commissioner-at-Large 1 (Entered meeting at 7:19 p.m.)

Staff Present

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Lorraine Lyn, Planning and Zoning Supervisor
Jeff Burton, CRA Director
Mark Barnebey, City Attorney
Scott Rudacille, Chief Assistant City Attorney
Bob Marble, CRA Strategic Planning Specialist
Amber Foley, Assistant City Clerk

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

PRESENTATION: The Connect Your Community awards scheduled for this meeting have been rescheduled to the August 6 meeting.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Cornwell moved to approve the July 16, 2012 Agenda.

Mayor Bryant discussed the appointment of Leon Kotecki to the Planning and Zoning Board. Mr. Freeman explained that this will be placed on the next agenda for formal approval.

Commissioner Varnadore seconded the motion on the floor and motion carried 3-0. Commissioners Williams and Zirkelbach were absent for the vote.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: July 2, 2012
2. 2012 Audit Engagement Letter

B. POLICE DEPARTMENT

1. Renewal of contract with Lex's Automotive for an additional year
2. Renewal of annual MOU with Florida Division of Highway Safety and Motor Vehicle

Motion: Commissioner Cornwell moved, Commissioner Smith seconded and motion carried 3-0 to approve the July 16, 2012 Consent Agenda. Commissioners Williams and Zirkelbach were absent for the vote.

3. RESOLUTION NO. 2012-16 RAPID ID GRANT FUNDING

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded and motion carried 3-0 to adopt Resolution No. 2012-16. Commissioners Williams and Zirkelbach were absent for the vote.

4. RESOLUTION NO. 2012-17 KIRK PINKERTON BMW FORFEITURE AND SALE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded and motion carried 3-0 to adopt Resolution No. 2012-17. Commissioners Williams and Zirkelbach were absent for the vote.

5. APPROVAL: PROPOSED AGGREGATE MILLAGE RATE

Mr. Freeman discussed the tentative proposed millage rate. He explained that this has to be provided to the Property Appraiser by August 4th. The budget is currently balanced based on the \$5.2171 rollback millage rate. This rate is about 9/10 of a mill higher than last year. Mr. Freeman explained that this is not considered a tax increase; some property taxes may increase and some may decrease depending on the individual. This rollback rate will allow the City to collect the same revenue as last year. Mr. Freeman discussed the budget hearing dates of September 11 and September 24 at 7:00 p.m. These dates will be provided to the Property Appraiser as well, and be put on the TRIM notices that go out to the residents. Commission will receive revised budget books tomorrow for the 6:30 p.m. budget workshop meeting.

Commissioner Williams and Attorney Barnebey entered the meeting at 7:10 p.m.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to approve a proposed aggregate millage rate of \$5.2171 and to schedule a 1st public hearing on September 11, 2012 (tentative budget hearing) and a 2nd public hearing on September 24, 2012 (final budget hearing) for FY 2012-2013. Commissioner Zirkelbach was absent for the vote.

6. PUBLIC HEARING: CONDITIONAL USE PERMIT 12-01

City Planner Lorraine Lyn explained that the June 18 public hearing was continued because the City Attorney asked for more specific conditions/stipulations related to CPTED review. C&D Fruit & Vegetable Co. Inc., is an existing farm worker housing unit that has seven buildings on site and is asking for 13 units at the density below the required 10 units per acre. The Planning and Zoning Board recommends approval with the conditions of the inclusion of a resident onsite caretaker with visibly posted contact information, concurrence with the recommendation of the CPTED report, and for the applicant to look into the cost of video surveillance. Staff has met with Lt. Tyler and the applicant, and applicant has met all of CPTED recommendations except for the video surveillance. Staff's remaining condition is that if the vinyl fencing on 17th Street has to be replaced, that it will be replaced with fencing that allows for visibility.

John Cucci, with C&D Fruit & Vegetable Co., Inc., advised Commission that he has gone through the CPTED inspection and everything is complete. If the vinyl fencing is to be replaced, he will replace it with a fence that allows for visibility.

Mayor Bryant thanked Mr. Cucci for going through the CPTED and recommends getting video surveillance on the property. Mr. Cucci advised that he is looking into estimates for video surveillance on site.

Mayor Bryant reopened the public hearing continued from June 18, 2012. After no public comment, Mayor Bryant closed the public hearing.

Lorraine Lyn discussed the following recommendations from the City Attorney to be included in the Conditional Use Permit:

- The property owner shall maintain doors and windows in good working order with locking hardware, locks and pry guards, including the door to the storage area
- Front doors without windows shall be equipped with wide-angle peep hole viewers
- If the vinyl fencing along 17th Street is replaced, it shall be replaced with fencing material that allows for visibility into the property
- Lighting shall be provided to illuminate the parking area, the perimeters of the cottages, and the open area, and shall be maintained in good working order
- Lighting on the back corners of the cottages shall be motion-activated security lights
- Installation of video surveillance is strongly encouraged for all entrances, parking areas, and the rear of the buildings for the protection of the residents and to aid the protective efforts of the Police Department

Commissioner Zirkelbach entered the meeting at 7:19 p.m.

Attorney Barnebey informed Commission that the Conditional Use Permit will stay with the property, not with the applicant.

Discussion ensued regarding public facilities and services. Mr. Cucci described the units on site. There is one unit on the property that has six living facilities in it. In each of those six living facilities they have their own bathrooms, but they do not have a kitchen. The rest of the units on site are similar to cottages and all have their own bathrooms and kitchens. Any resident that is living in one of the six facilities that do not have a kitchen area can go and use one designated cottage on site to cook their food. There is no laundromat area on site.

Motion: Commissioner Williams moved, Commissioner Smith seconded the motion to approve Conditional Use Permit CU 2012-01 for existing farm worker housing located at 713 17th Street West with stipulations previously stated by Lorraine Lyn and with Staff recommendations excluding onsite caretaker but providing contact information.

Commissioner Cornwell expressed concerns regarding kitchen and food facilities.

Mr. Cucci informed Commission that the units on site have refrigerators but no cooking options.

Motion on the floor carried 4-1 with Commissioner Cornwell voting no.

7. 1ST PUBLIC HEARING: ORDINANCE 2012-07

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM WORKER HOUSING AND BOARDING/ROOMING HOUSES AS CONDITIONAL USES IN THE RM-5 AND RM-6 ZONING DISTRICTS; REMOVING BOARDING/ROOMING HOUSES AS A PERMITTED USE IN THE CN AND CG ZONING DISTRICTS; AMENDING GENERAL STANDARDS FOR CONDITIONAL USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Planner Lorraine Lyn reviewed the actions of the proposed ordinance:

- Provides standards for farm worker housing in the RM-5 and RM-6 zoning districts
- CPTED review by the Police Department
- Defines farm worker housing based on Florida Statutes
- Requires a site plan depicting existing and proposed structures and uses

The Planning and Zoning Board had its public hearings on May 17 and June 21, and as a result of the public input, P&Z recommended that upon approval of a Conditional Use Permit, the facilities listed in Sec. 2.D of the ordinance would be legal conforming uses.

Attorney Rudacille discussed the existing farm worker housing properties that are in housing categories that do not allow for farm worker housing. The intent of the ordinance is to give those facilities the opportunity to come before Commission to obtain a Conditional Use Permit.

Discussion ensued regarding what would happen if the proposed ordinance does not pass. Attorney Rudacille explained that all facilities would have to prove they are legally non-conforming and were established at a time when farm worker housing was permitted and that it has been continually maintained that way.

Attorney Rudacille informed Commission that 1989 was the first time the zoning code mentioned farm worker housing. Discussion ensued regarding facilities established before 1989 and after 1989.

Mayor Bryant reopened the public hearing continued from May 21, 2012.

Patricia Petruff, representing Palmetto Land Company, LLC., Old Florida Investments, Inc., and Peerless Manatee, Inc. spoke in opposition of Ordinance No. 2012-07. She expressed her concerns regarding Section 7.7 of the ordinance that states that if the non-conforming use is vacant for 180 consecutive days then it will cease to be legal.

The following people spoke in opposition of Ordinance No. 2012-07:

- Billy Heller, Jr., Chief Operator of Pacific Tomato Growers
- Sergio Garza
- Gustabo Mancillas
- David Mendoza
- Fidel Gutierrez
- Ylexis Rodriguez

The following people spoke in favor of Ordinance No. 2012-07:

- Alan Garrett, B.A. Garret & Assoc. Land Planning
- Kelly Kirschner, Unidos Now

Eric Gilbert, Chair of the Planning and Zoning Board, explained that the most important reason the Planning and Zoning Board had discussed making these properties legal conforming use is for the safety of these residents. They are often the victim of crimes, and they need to be protected.

Charlie Ugarte, member of the Planning and Zoning Board, discussed the three different zoning districts that farm worker housing is currently located in, RM-6, RM-5 and CG. He explained the difference between non-conforming use and non-conforming structure, stating that only non-conforming uses would be allowed to go through the process of obtaining a Conditional Use Permit.

Discussion ensued regarding zoning districts and rebuilding. Attorney Barnebey explained that if they are not currently zoned into the RM categories they would have to be rezoned into this category if they wanted to rebuild.

Mayor Bryant closed the public hearing.

Attorney Barnebey informed Commission that this is the first of two public hearings. He needs direction from Commission regarding the length of time for non-conformities before they terminate. Mayor Bryant recommends that the 180 days should be changed. Discussion ensued regarding the length of time being changed from 180 days of vacancy.

The consensus of Commission was to change the length of time from 180 days to 720 days.

The second public hearing for Ordinance No. 2012-07 will be held on August 6, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

Mayor Bryant recessed the meeting at 8:45 p.m. to open the July 16, 2012 Special CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:13 p.m.

7A: AMEND AGENDA

Motion: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to amend the July 16, 2012 City Commission agenda to include the approval of the two contracts for the acquisition of real property for the expansion of Martin Luther King Jr. (MLK) Park that were just approved at the July 16, 2012 Special CRA Board meeting.

7B: APPROVAL OF CONTRACT WITH AL WASHINGTON

Motion: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the purchase contract with Al Washington and the City of Palmetto for \$5,000.00 for the property noted as "a portion of Parcel ID#26196.000/6" identified as Lot 19 Block 3 MRS AD Cox Plat.

7C: APPROVAL OF CONTRACT WITH WILBERT VELEZ

Motion: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the purchase contract with Wilbert Velez and the City of Palmetto for \$16,008.00 for the property at 206 12th Avenue West*.

*Minutes corrected September 24, 2012 to reflect the purchase of property owned by Wilber Velez located at 206 12th Street West.

8. CHECK REGISTER REPORT FOR JUNE 2012 (INFORMATIONAL ONLY)

9. BASEBALL FIELD UPDATE

Mayor Bryant discussed the email that was sent out to the Commissioners regarding the soil testing results that are expected on July 24.

10. ASR WELL UPDATE

Discussed during 4:30 p.m. workshop meeting

11. 5TH STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

Jeff Burton noted that everything is moving along on schedule for these projects.

12. DEPARTMENT HEADS' COMMENTS

Mr. Freeman informed Commission that they will receive the revised budget books at tomorrow's 6:30 p.m. budget workshop meeting. Staff has prepared a change summary sheet to distinguish what changes have been made, and he noted that the General Fund is now balanced.

Commissioner Varnadore appreciates that the budget is now balanced but doesn't feel there is a reason to have the budget workshop tomorrow. Discussion ensued regarding a new date for the budget workshop.

The consensus of the Commission was to cancel the July 17 budget workshop meeting and still have the July 30 and 31 budget workshop meetings as scheduled.

Commissioner Smith left the meeting at 9:20 p.m.

Mr. Freeman informed Commission that the CDBG applications are due October 1st. He hopes to bring forward in August a proposal for a project in Ward 2 between 10th Street and 13th Street on 24th and 28th Avenues. Mr. Freeman also informed Commission that the tile is being replaced in the lobby at City Hall.

Attorney Barnebey is working with the Police Department to make a revision to the trespass ordinance and the open container ordinance to address concerns that have been received from other agencies.

13. MAYOR'S REPORT

Mayor Bryant is pleased with the progression of the projects that are going on in the City.

14. COMMISSIONERS' COMMENTS

Commissioner Zirkelbach is pleased with the progress that was made on the budget.

Mayor Bryant adjourned the meeting at 9:23 p.m.

Minutes approved: August 6, 2012

James R. Freeman

James R. Freeman
City Clerk

Minutes corrected: August 20, 2012.

Mayor Bryant corrected the minutes of July 16, 2012 to reflect that Mr. Garrett supported the recommendations as approved by the Planning and Zoning Board [regarding Ordinance No. 2012-07.]

Second Correction to minutes: September 24, 2012

The July 16, 2012 minutes were corrected to reflect the purchase of property owned by Wilber Velez located at 206 12th Street West.