

**CITY OF PALMETTO
CITY COMMISSION MEETING
JANUARY 28, 2013
7:00 PM**

Elected Officials Present

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

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
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.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant informed Commission that they were handed updated materials related to item number 10.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the January 28, 2013 Agenda with the updated materials added to agenda item 10.

2. CONSENT AGENDA APPROVAL

A. City Clerk's Office:

1. Minutes: January 7, 2013
2. Slicks Garage Special Function Permit First Fridays 2/1/2013, 3/1/2013, and 4/5/2013
3. Agreement with Creative Pyrotechnics for 4th of July Fireworks
4. Bryant Miller Olive and Blalock Walters Special Legal Billings
5. Reclassification of vacant Payroll Clerk position
6. Approval of City utility rate study

B. Police Department:

1. 2013 Surplus Police Vehicle Auction

Commissioner Varnadore pulled items 2.A. 2, 3, and 6 for discussion.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve items 2.A. 1, 4, and 5 and B.1 of the January 28, 2013 Consent Agenda.

Discussion: Slicks Garage Special Function Permit First Friday's 2/1/2013, 3/1/2013, and 4/5/2013

Commissioner Varnadore asked to hear from Staff how the event went in January without the closing of 10th Avenue and if they have any alternative suggestions for Slicks to have their event.

Mr. Tusing stated that he has heard from surrounding businesses that the streets are closed too early. They would prefer the streets be closed off around 5:30 p.m. or 6:00 p.m.

Commissioner Williams stated that the problem is the streets being closed before 5:00 p.m. He agreed that the event is good for the City but would like to see Slicks work with surrounding businesses. Commissioner Williams stated he is not willing to approve any of the dates for their event at this time.

Mayor Bryant informed Commission that there was an issue with last month's event with show cars backing into the spaces along 10th Avenue even with it not being blocked off.

Commissioner Cornwell would like to work with Slicks and come up with a compromise. She questioned whether they could hold their event on their property. Commissioner Cornwell recommended approval of the events but without the closure of 10th Avenue.

Commissioner Varnadore is not in support of closing 10th Avenue. She suggested that the event start at a later time to allow for businesses along 5th Street to close and their customers leave the street without problems. She recommended closing 5th Street at 5:30 p.m.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded the motion to approve Slicks Garage First Friday for February 1, 2013 with the closure of the 900 block of 5th Street West from 5:30 p.m. to 9:30 p.m. and excluding the closure of 10th Avenue West.

Discussion ensued regarding the area being cleaned up after the event. Commissioner Cornwell opined that if the City is incurring costs to clean up the area after the event, then the applicant should have to reimburse the City for those costs. Commissioner Varnadore would like to see a staff member be responsible to watch the event and provide feedback.

The motion on the floor carried 5-0.

Mayor Bryant requested this item be placed on the agenda for February 18, 2013 at 7:00 p.m. and the applicant be in attendance.

Discussion: Agreement with Creative Pyrotechnics for 4th of July Fireworks

This item was discussed and the terms were clarified for Commissioner Varnadore.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the agreement with Creative Pyrotechnics for the 4th of July Fireworks.

Discussion: Approval of City Utility Rate Study

This item was carried forward from the 4:30 p.m. workshop meeting.

Commissioner Varnadore questioned how water, sewer, and reuse are standing financially. Karen Simpson, Finance Director, stated that storm water and reuse are not meeting the 3 to 6 month requirement. Solid waste and water/sewer are in the positive and meeting the requirement.

Mr. Freeman explained that the rate study will consider the 5-year Capital Improvement Project (CIP) along with operating expenditures and revenue. The study will look forward and project what the City's needs are and the revenue that will be needed to fund the projects. The consultant will then put a report together and inform the City where any necessary increases should be made.

Mr. Freeman explained that there are a total of seven tasks for the consultant to perform on the rate study. The consultant has eliminated task four, update calculation of current impact fees, and task five, assist in the update/analysis of specific service fees. Commissioner Williams would like to see the removal of task seven, assist with the development of ordinances/resolutions and participate in public hearing for adoption. He opined that City Staff can do this and save the cost of \$1,820. Mr. Freeman stated that Commission could approve up to the amount of \$24,975 and he can ask the consultant if they can remove task seven.

Regarding the time frame, Mr. Freeman expects 90-120 days to complete the study and a few months after to draft ordinances and hold public hearings. He stated that it will probably be 5-6 months before implementing the results of the study.

Commissioner Williams requested the consultant consider the CPI in the study.

In regard to what CIP programs will be incorporated into the rate study, Mr. Tusing stated the CIP programs will include the inflow and infiltration program, repairing and replacing of water lines and added funds to some of the unfunded projects.

Commissioner Williams requested information on how many cities have had litigation for increasing the water and sewer rate without having a study performed.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 3-2 to approve the City Utility Rate Study. Commissioners Williams and Varnadore voted no.

3. PUBLIC HEARING CONDITIONAL USE PERMIT NO. 2012-09

Application by Old Florida Investments, Inc., located at 619, 621, & 623 11th Street West and 1010 & 1012 7th Avenue West. This is a re-hearing due to an advertisement issue.

Mayor Bryant opened the public hearing.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to incorporate the comments from the prior public hearing into this public hearing for the purposes of establishing a record.

Mayor Bryant closed the public hearing after no public comment.

Motion: Based upon the evidence presented at the public hearing and finding the request to be consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances herein, Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to approve CU 2012-09 for farm worker housing located at 619, 621, & 623 11th Street West and 1010 & 1012 7th Avenue West subject to the stipulations contained in the staff report, and including a waiver of the parking requirement in Section 28-78(b)(1) of the City Code of Ordinances.

4. PUBLIC HEARING TRAFFIC REGULATION

Mayor Bryant stated that this request is for the installation of four-way stops at 12th Street West and 20th through 23rd Avenue West and a three-way stop at 12th Street and 18th Avenue Drive West.

Mayor Bryant opened the public hearing.

Mayor Bryant closed the public hearing after no public comment.

Commissioner Cornwell departed the meeting at 8:11 p.m.

Commissioner Cornwell returned to the meeting at 8:12 p.m.

Commissioner Davis requested temporary flags be placed on the new stops signs.

Mr. Tusing stated he will be putting up signs that signal there is a stop ahead.

Commissioner Williams asked that a map of the new sidewalks and stop signs be given to the students at the school to take home to inform parents of the changes.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the traffic regulation to install four-way stops at 12th Street West and 20th, 21st, 22nd, and 23rd Avenue West and a three-way stop at 12th Street and 18th Avenue Drive West.

5. PUBLIC HEARING: ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES, CHAPTER 26, SUBDIVISIONS; PROVIDING FOR AMENDED SUBDIVISION REGULATIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey informed Commission that the Public Works Department has requested a change to Section 26-28(a) regarding as-built drawings. He stated that the developer shall submit complete as-built drawings along with a copy of the computer-aided design and drafting (CADD) file to the Director of Public Works, not the City Engineer as previously stated in the code.

Bjorn Svenson, representing Sanctuary Cove, spoke in support of the proposed ordinance.

There being no further public comment, Mayor Bryant closed the public hearing.

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Ordinance No. 2013-01 with the changes made to Section 26-28(a).

6. RESOLUTION NO. 2013-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, CONSENTING TO AND APPROVING THE TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PALMETTO; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Resolution No. 2013-04.

7. RESOLUTION NO. 2013-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2012-27, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2012-2013, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Resolution No. 2013-05.

8. DECEMBER CHECK REGISTER (Informational Only)

9. BASEBALL FIELD UPDATE

Attorney Barnebey will bring the interlocal agreement with Manatee County to Commission at the next meeting for discussion and approval. The agreement will allow the City use of the fields six times a year and the School Board use two times a year. The City of Palmetto will be recognized for their contributions to the park once it has been constructed.

Mr. Tusing reviewed the 60% plans today with the County. The concession stand will be a two-story block building with the scoring tower on the second story.

Discussion ensued regarding the interlocal agreement and construction of the field. Attorney Barnebey stated that the interlocal agreement will be coming to Commission at the next meeting and then it will go in front of the County Commission for their approval. The approval of the agreement is not holding up the construction of the park.

10. ASR WELL UPDATE

Mr. Tusing stated that tests were done on the pump and they didn't get as good results as they expected so they will be doing an acidization test of the wells to try to increase the volume.

11. DEPARTMENT HEADS' COMMENTS

Chief Wells—Gave credit to Detective Rogers for helping to break the case of a string of burglaries throughout Manatee and Sarasota Counties. The information that Detective Rogers was able to collect and give to the task force broke the case and led to an arrest.

12. MAYOR'S REPORT

She stated she received a petition from Palmetto Mobile Home Park with about 300 signatures in support of Mayor Bryant in keeping the Manatee Convention Center name.

She thanked Commissioner Varnadore for attending the MLK Banquet with Commissioner Davis. Mayor Bryant congratulated Commissioner Smith for receiving the Edgar Price Humanitarian Award.

Mayor Bryant met with the MPO today. They elected a new vice chair and presented her with a Certificate of Appreciation for her service as Chair of the Board in 2012. [Nora Patterson is the new Chair of the MPO]. Data from the MPO meeting today will be placed in the Commission office for review. It contains alternates for the I-75 corridors, e.g.

Informed Commission that Commissioner Davis will be attending the Tampa Bay Regional Planning Council meeting on Monday.

She met with Manatee County Area Transit (MCAT) today regarding rebranding. She displayed a picture of what their new buses and bus stops will look like.

13. COMMISSIONERS' COMMENTS

Commissioner Williams—Asked Mr. Freeman to clean out the cabinet in Chambers so that Commissioners can use it.

He commented on the use of the iPad and he expects it to be very useful for the meetings.

He requested that a Sutton Park update regarding the playground equipment be placed on the next workshop meeting.

Commissioner Williams has been communicating with Mark Becker of Regatta Condo about overgrown trees at the marina. Commissioner Williams spoke with Mr. Van Der Noord who is considering removing the trees and replacing them with hedges. Commissioner Williams questioned if that landscaping is allowed under current City Code. Mr. Tusing doesn't agree with the removal of trees, but he will get with Mr. Van Der Noord and find a solution.

Commissioner Varnadore—Asked Chief Wells about crime at the fair. Chief Wells stated that the Police Department kept good communication with the Sheriff's Office and there were not any incidents this year. He stated that this year's fair was the second best fair the County has had with the first best fair being last year.

She questioned the schedule for street paving throughout the City. Mr. Tusing is in the progress of working on that and will send to Commission when it is completed.

Mayor Bryant stated she received a letter from DabWear Boutique that she will be forwarding to Commission. She asked that this letter be placed on the agenda for the February 18th meeting.

Commissioner Cornwell—Commented on how well the fair went. Congratulated Commissioner Davis on his award-winning guava jelly.

Congratulated Commissioner Smith on winning the Humanitarian Award.

Commissioner Davis—Commented on the attendance at the fair and thanked the Fair Board for all their hard work.

Commissioner Smith—Thanked Commissioners Varnadore and Davis and Chief Wells for attending the MLK Banquet.

He commented on the Multi-Cultural festival and the great turnout it had.

He attended the Manasota League of Cities (MSLC) meeting and stated that they have been discussing lost tax revenue that cities experience. Commissioner Smith explained that when cell phones are bought there is nothing being reported to the city by the cell providers in regard to taxes. They also discussed how the posting of the name of the bank on foreclosure properties has passed legal challenges. This is in effort to make banks maintain the property.

Commissioner Smith will be going to Washington D.C. as part of the MSLC delegation and will provide an update when he returns.

Mayor Bryant adjourned the meeting at 8:55 p.m.

Minutes approved: February 18, 2013

James R. Freeman

James R. Freeman
City Clerk