

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
March 18, 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
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Lorraine Lyn, City Planner
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:02 p.m., followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address City Commission were duly sworn.

Commissioner Jonathan Davis presented the Water Conservation Month proclamation to Public Works Director Allen Tusing on behalf of Tara Poulton, Government Affairs Program Manager, Southwest Florida Water Management District.

Non-agenda Item Public Comment: None.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant removed Item 3 from the agenda and asked that it be placed on the agenda for April 1, 2013.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the March 18, 2013 Agenda with the removal of item 3.

2. CONSENT AGENDA APPROVAL

A. City Clerk's Office

1. Minutes: February 18 and March 4, 2013
2. Blalock Walters Legal Bills
3. Resolution 2013-12 Budget Amendment
4. Resolution 2013-13 Budget Amendment
5. Special Function Permit Spring Classic April 14, 2013

B. Public Works

1. Ward 1 Phase II Budget Proposal
2. FDOT Utility Work Agreement and Master Agreement

Motion: Commissioner Williams moved to approve the March 18, 2013 Consent Agenda with the removal of items A.3 and 4, and B.1 for further discussion.

Attorney Barnebey requested the removal of 2.A.5, Special Function Permit.

Commissioner Williams amended his motion to include the removal of item 2.A.5, Commissioner Varnadore seconded, and the amended motion carried 5-0.

2. A.3. Resolution 2013-12 Budget Amendment:

Mr. Freeman explained that this is a budget resolution regarding the one-time compensation that was given to the employees in December of last year. This is a budget amendment to correct the appropriate expense budgets.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve item 2.A.3 of the Consent Agenda.

2. A.4. Resolution 2013-13 Budget Amendment:

Mr. Freeman explained that this is a budget resolution to transfer \$10,000 from the Police Department personnel budget, as a result of unfilled vacancies, into IT Consulting to fund projects at the Police Department related to IT work. Commission approved this transfer at the March 4, 2013 meeting.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve item 2.A.4.

2. A.5 Special Function Permit Spring Classic April 14, 2013:

Attorney Barnebey stated that the insurance that was provided does not list the City of Palmetto as an additional insured. He is requesting that if this item is approved, it is contingent upon the receipt of insurance naming the City as an additional insured.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve item 2.A.5 Special Function Permit Spring Classic April 14, 2013 contingent upon receiving the Certificate of Liability naming the City of Palmetto as additional insured.

2. B.1. Ward 1 Phase II Budget Proposal:

Mr. Tusing stated that the Ward 1 Phase II project is complete. The project was originally funded at \$4 million dollars with no contingency. He received the final invoice for work performed from the contractor for an amount of \$98,369.46. CRA is going to pay 48 percent of that cost at \$47,217.34, and 52 percent of the cost will come from Road and Bridge reserves at \$51,152.12. Mr. Freeman confirmed that Road and Bridge reserves have available funds to cover the \$51,152.12 cost. There will be a meeting on Wednesday with the contractor to do a final walkthrough and confirm that this \$98,369.46 amount is the final payment.

Motion: Commissioner Cornwell moved and Commissioner Williams seconded to approve Consent Agenda item 2.B.1.

Commissioner Williams expressed concerns regarding the use of funds from reserves. He stated that the project was originally funded with CRA loan dollars and should continue to be funded that way. He questioned making another amendment to the loan to pay this final amount. Mr. Burton stated that the original loan was to fund Ward 1 Phase I with Phase II never included. According to the CRA Plan, the CRA does not view subterranean infrastructure as a primary investment target for fund investment. When the opportunity arises during individual projected community redevelopment and there are no available City resources, the CRA may fund minimum subterranean infrastructure replacement. Mr. Burton said that if the work is below ground and the City has the funds, the CRA should not pay for that work. Mr. Tusing has provided information that approximately 52 percent of the work in Ward 1 Phase II was underground work. Mr. Burton stated that there will be no loan funds used for the 48 percent; the money will come from other areas in the CRA budget.

Commissioner Varnadore questioned if it was against State Statute to fund infrastructure with CRA dollars. Attorney Barnebey stated that it is not against statute; however, the City's current CRA Plan discourages funding for subterranean infrastructure. Discussion continued regarding the CRA Plan and infrastructure funding. Commissioner Varnadore would like to look into updating the CRA Plan to include infrastructure funding.

Mr. Burton said that by not using loan dollars for the final amount, Commission is following the recommendation by the CRA Advisory Board to pay down the loan amount. Commissioner Varnadore commented that the CRA Board and the CRA Advisory Board agreed to pay the loan off last year. She

would like to know why this has not been done. Mr. Burton said he will follow up with that and get the history of the loan. He believes that one of the reasons it has not been paid off is due to this project not being completed.

Commissioner Smith questioned if loan funds could be used to put in weigh scales in Ward 1, because semi-trucks travel the roads there frequently, and he opined that this will tear the newly paved road up quickly. Mr. Burton stated that it is possible; the bank would have to approve that and an amendment would have to be made. Commissioner Varnadore suggested prohibiting those trucks in residential areas. Commissioner Smith would like to see this issue looked into further.

Commissioner Williams questioned the cost the City would incur to amend the loan. Mr. Freeman explained that the only cost would be legal fees. The process involves the bank approving a resolution which would then be brought forward to Commission for approval. Commissioner Williams requested an accounting list that provides a breakdown by dollar amount of where the money went and what is left.

Commissioner Williams withdrew his second.

Commissioner Smith seconded the motion on the floor and the motion carried 3-2 to approve item 2.B.1. Commissioners Williams and Varnadore voted no.

3. RESOLUTION NO. 2013-11 CANDY FLAVORED TOBACCO

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ADOPT STATEWIDE RULES AND REGULATIONS CONTROLLING THE SALE AND MARKETING OF CANDY FLAVORED TOBACCO PRODUCTS; AND PROVIDING AN EFFECTIVE DATE.

Action Request: Motion to adopt Resolution No. 2013-11.

No action was taken; this item is scheduled to be on the April 1, 2013 agenda.

4. SECOND PUBLIC HEARING ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES, ZONING CODE, TO AMEND THE DEFINITION OF RECREATION AND AMUSEMENT SERVICES AND THE SCHEDULE OF PERMITTED AND CONDITIONAL USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Planner Lorraine Lyn stated that this is a request for an amendment to the Recreation and Amusement Services zoning code, due to a request to open a dance class studio in the Downtown Commercial Core (CC) District. The current code does not permit dance classes in the City's Downtown CC Zoning District; rather it is listed under Recreation and Amusement Services and permitted as a conditional use only in the CG and CHI districts.

Staff recommended including dance classes and martial arts classes as personal service, and to continue allowing these uses in all non-residential zoning districts. The Planning and Zoning Board heard this code amendment on February 14 and recommended that shooting ranges be added to the list of uses defined in Recreation and Amusement Services which would require a Conditional Use Permit. In addition, staff recommends expanding consideration of recreation and amusement uses to be allowed as a Conditional Use to the CC district to allow Commission the discretion to approve use.

Mayor Bryant opened the public hearing.

Mayor Bryant closed the public hearing after having no public comment.

Motion: After considering the evidence presented and finding the request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve Ordinance 2013-03.

In regard to internet cafes, Attorney Barnebey stated that those businesses are considered arcades and are listed in Recreation and Amusement Services. There are two internet café businesses in the City and both have Conditional Use Permits.

5. PUBLIC HEARING ORDINANCE 2013-04 INTERNET AND SWEEPSTAKES GAMING CAFÉ MORATORIUM

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR APPLICATION FOR THE ESTABLISHMENT OF BUSINESSES KNOWN AS INTERNET OR SWEEPSTAKES CAFES AS DEFINED HEREIN; PROVIDING SUSPENSION OF ANY SUCH ZONING, PERMITTING AND LICENSING; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT FOR A DATE ENDING APRIL 30, 2014 OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE INTERNET/SWEEPSTAKES CAFES; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Attorney Barnebey stated that there has been a Moratorium in place since 2012 which is set to expire at the end of this month. (Based on current events, the Legislature is continuing to study the regulation of internet and sweepstakes gaming cafes for possible ruling soon. Staff is continuing to review impacts of these types of establishments on the community, and reviewing City Code requirements related to the location and regulation of internet and sweepstakes gaming cafes.) He is recommending extending the Moratorium until April 30, 2014. There are currently two internet cafes in business which have Conditional Use Permits. Of those businesses, one business' permit will expire this year. The Moratorium does allow existing establishments to request 2-year extensions of their Conditional Use Permits.

Commissioner Smith questioned why the City does not ban these types of establishments. Attorney Barnebey recommends extending the Moratorium, and if Commission would like to ban the business, then there needs to be a separate motion directing staff to draft an ordinance to ban them from the City. Commissioner Smith opined that this will be a process the City will be going through anyway and feels that the process should begin sooner rather than later. Mayor Bryant directed staff to gather more information about banning these businesses from the City and to discuss at a future workshop.

Mayor Bryant opened the public hearing

Mayor Bryant closed the public hearing after having no public comment.

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

6. 1ST READ ORDINANCE 2013-05 DOWNTOWN CORE DESIGN

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE FOR REVISIONS TO THE ADMINISTRATIVE INTERPRETATION AND PROCEDURES, AMENDING AND CLARIFYING THE DOWNTOWN CORE DESIGN GUIDELINES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey amended the title of the ordinance to add the phrase "amending the governmental sign regulations and amending the areas affected by the guidelines" to be included before the sentence "providing for severability".

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 4-1 to schedule Ordinance No. 2013-05 as amended for a public hearing on April 1, 2013 and April 15, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers and direct staff to advertise for same. Commissioner Varnadore voted no.

7. FEBRUARY CHECK REGISTER

Jane Hunter, Slicks Garage, questioned how much money was spent on 5th Street streetscape because she has been told of different amounts from the City and media. She requested Commission review the process of keeping accounts for specific projects. Ms. Hunter also requested more information on the following check numbers listed in the register:

- #107496-fitness club membership
- #107557
- #107751
- #107786

Regarding the fitness club membership, Mr. Freeman advised that this is a payroll deduction taken out of employees' checks that are enrolled in the fitness club and the City issues a check for that deducted amount to the club. He will provide her with a copy of the above checks this week.

Mayor Bryant recessed the City Commission meeting at 8:40 p.m. to open the March 18, 2013 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:22 p.m.

8. BASEBALL FIELD UPDATE

Mr. Tusing noted that the County has received permits for the development of the concession stands and it should be going out to bid soon.

Commissioner Varnadore would like to see sidewalks put in along 23rd Avenue. Mr. Tusing said he will look into incorporating that into the CIP for next year.

Mayor Bryant informed Commission that she received a call from Karen Jackson-Sims, the Deputy Regional Administrator for HUD, who advised the Mayor that the City will unlikely be recognized when starting a Housing Authority. Ms. Sims will be attending the April 1st workshop meeting to discuss the establishment of a Housing Authority in the City.

Commissioner Smith departed the meeting at 9:26 p.m.

9. ASR WELL UPDATE

Mr. Tusing will be going to Brooksville this week to meet with a SWFWMD liaison and the budget manager to discuss additional funding for this project.

10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing—At the end of the year, Veolia reconciles all the repair costs at the treatment plant. For fiscal year 2012, the City will be receiving a check for \$49,631.36. Mr. Tusing requested that amount be placed in the CIP to be used towards improvements for the wastewater treatment plant.

Commissioner Cornwell thanked Ray D'Auito and Pam London for coming to her school and speaking to the students about water and reuse.

Mr. Tusing said he appreciates that Mr. D'Auito is always looking for ways to save the City money. He thanked Mr. D'Auito for his hard work.

Mr. Freeman—Informed Commission that there will be a notice provided to residents in their utility statements notifying them of the annual Waste Management 2.5% CPI increase. Currently the amount that residents pay is \$12.50; this will increase to \$12.72, effective April 1st.

He questioned if the consensus of Commission was to have a discussion at a workshop regarding CRA loan funds and paying them back, or do they want to direct staff to proceed with paying this loan down. The Consensus of Commission was to have this discussion placed on a future workshop.

11. MAYOR'S REPORT

Stated she is pleased with Veolia and Ray D'Auito.

12. COMMISSIONERS' COMMENTS

Commissioner Davis—Thanked Ray D'Auito for his hard work.

He stated he would like to see Commission start to look at the Codes and rewriting some of them.

Commissioner Varnadore—Asked about a paving schedule. Mr. Tusing said he has asked his staff for a draft of the schedule and should be getting that shortly. Once he receives it, he will email it to Commission.

She thanked Ray D'Auito for his work.

Commissioner Williams—Would like to have an accounting record of the \$4 million dollar loan (regarding the Ward 1 Phase II project.)

In regard to solid waste, Mr. Tusing said that the City will be putting a bid out sometime this year for solid waste removal.

Commissioner Williams would like to see the Personnel Policy and the Sign Ordinance brought to Commission this year. Attorney Barnebey stated that he has a draft of the Personnel Policy that he will be reviewing, and he will be bringing it forward to Commission soon. Commission requested that he disperse this to them a few weeks before it is to be discussed at a meeting to allow them ample time to review.

In regard to the Sign Ordinance, Mayor Bryant stated she would like to discuss this with the Department Heads on Wednesday and bring back to Commission. Commissioner Varnadore suggested breaking the ordinance in sections and bringing one section at a time to Commission for discussion.

Mr. Tusing stated that on the April 15 workshop he would like to have a discussion about solid waste and what Commission would like to change. This will help him create the bid that will go out.

Mayor Bryant adjourned the meeting at 9:42 p.m.

Minutes approved: April 1, 2013

James R. Freeman

James R. Freeman
City Clerk