

TAB 1

Palmetto City Commission
December 15, 2008 4:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Tambra Varnadore, Vice Mayor (entered at 4:45 pm)
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Brian Williams, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

James R. Freeman, City Clerk
Mark Barnebey, Interim City Attorney
Deputy Chief Mike Mayer
Allen Tusing, Interim Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:00 pm. Diane Ponder gave the invocation, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve the December 15, 2008 4:00 pm agenda.

Mayor Bryant announced that Commissioner Varnadore was running late. Commissioner Lancaster suggested that item #3 be moved forward so Commissioner Varnadore would be present when Commissioner Zirkelbach commented on the CRA Board. Commission concurred.

2. DISCUSSION: WORKSHOP MEETING SCHEDULE

Mr. Freeman stated the item was placed on the workshop agenda to allow Mr. Zirkelbach the opportunity to comment. Staff is proposing it be moved forward to the 7:00 agenda as a first read of the ordinance that will modify the schedule.

Commissioner Zirkelbach stated he concurred with the comments made by the commission during the meeting where he was absent. He suggested that it may also be possible to move the workshop starting time to 5:00 pm at a later date. Commission concurred with changing the time to 5:00 pm.

Discussion ensued on the proposed ordinance. The language of Sec. 2-26 shall be amended to delete the reference to the 7:00 start time of the regular meeting. Attorney Barnebey confirmed that the ordinance does not have to include the time of the meeting.

Mayor Bryant recognized the attendance of County Commissioner Carol Whitmore.

3. DISCUSSION: BACKGROUND CHECKS

Attorney Barnebey referenced Commissioner Varnadore's question of what would happen if an arrest were made from any of the offenses listed on Exhibit A. He stated he had conferred with the City's labor counsel concerning the policy. Mr. Barnebey discussed different scenarios Commission could consider in the event of an arrest and recommended that adjustment be made to the policy to include the options and actions the City would consider in the event of an arrest.

Commissioner Lancaster recalled Commissioner Varnadore's opinion that if an arrest is made for any offense listed on Exhibit A termination would result. She stated she was not comfortable discussing the item because of Commissioner Varnadore's absence.

Commissioner Zirkelbach commented on the fact that there are no drug related offenses listed on either of the exhibits attached to the policy; Deputy Chief Mayer had recommended to him Chapter 893. Attorney Barnebey stated he would look into the recommendation. Mr. Freeman pointed out that Sec. 5B of the proposed policy referenced Chapter 893, but it appears as if the reference applies only to positions handling money and negotiable instruments.

Commission concurred with placing the amended policy on the next 7:00 agenda for discussion and action.

4. DISCUSSION: CRA BOARD

Commissioner Zirkelbach, who was absent from the previous discussion and from whom Commission wanted input on the topic, began by stating he served as a CRA Board member from February 2002 to November 2008. Commissioner Zirkelbach responded to several comments from the previous discussion as follows:

- CRA projects (spreadsheet distributed)
- Presentation of and Commission review of the CRA budget; lack of knowledge that numerous comments had been made regarding a joint meeting to discuss the budget
- Commission Liaison attendance at CRA Board meetings
- Storefront Grant Program; attorney opinion the First Baptist Church met program criteria; any church meeting criteria is eligible for grant funds; CRA Board attempts to make business community aware of the program
- CRA Board membership of professional volunteers; decisions are not political
- His opinion the attorney should be the same for the Commission, CRA Board and P&Z Board
- His agreement that the appointment of the CRA Executive Director should be the same term of the sitting Mayor, without extension; recommended Commission should put language in place to employ this position as other department head positions when the current contract expires
- CRA Board currently names a chair and vice chair; recommended the terms should be for two years
- Recommended Commission's regular approval of the Storefront Program and allow the CRA its administration; use local businesses, when possible, to perform grant funded improvements

Commissioner Zirkelbach stated, "The CRA should continue as it has been placed, I think it has done a good job. He opined there has been miscommunication and rumor. Commissioner Lancaster concurred.

Commissioner Cornwell discussed the fact that even after numerous requests, the joint meeting did not take place; lack of communication leads to the two bodies not being aware of each body's focus. Commissioner Williams acknowledged the work the CRA has done, but opined the Commission has not been involved in decisions that have been made, i.e. Storefront Grant application review, lack of the required joint meeting, First Baptist Church grant; appointment of the CRA Executive Director.

Discussion ensued on the issues that were brought up. Commissioner Zirkelbach opined that all the issues are communication driven, for which there is an answer. He reiterated the fact that the

individuals sitting on the CRA Board have a great desire to make the objectives of the Board work. He commented on the fact the CRA Board was never apprised of any Commission concerns by the liaison, and acknowledged that the director did not advise the Board of Commission's requests for a joint meeting, while he was in attendance.

Commissioner Varnadore entered the meeting.

Mayor Bryant referred to the Albertson tax abatement that was negotiated and executed by a former CRA director; Commission had to accept what was done by the City's agent. She stated that the lack of having any check and balance procedure in place when that abatement was granted still exists today. Mayor Bryant discussed the trend in the state for CRA audits by the Auditor General's Office and the potential tax refund liability to the City that could arise from an audit.

Mayor Bryant stated that she did not feel the CRA should be disbanded; past and present members of the Board have done a "stellar job". She stated that she would like to propose that all CRA approved topics come to City Commission in some form, such as the consent agenda, for a final approval. This type of approval process would put the check and balance procedure in place for the CRA Board and it would ensure the Commission is aware of all CRA actions.

Mayor Bryant concurred with Mr. Zirkelbach's comments; the attorney should be the same, the term of the executive director's contract should be in line with elections in the City every two years. She opined the contract extended to the executive director has terms that would not be acceptable to the citizens at large and that the Board at that time was misled in approving it. She stated she is not criticizing the board members and hopes they continue to serve.

Commissioner Varnadore agreed that Commission should have some oversight and concurred with Mayor Bryant's suggestion of approval via an agenda item such as a consent agenda. She further stated her opinions have not changed from the previous meeting.

Mayor Bryant informed Commission First Baptist Church has asked for review of the grant before accepting any grant funds; therefore, she has passed the item to Attorney Barnebey for review. Attorney Barnebey discussed where he was in that review, stating there may be discrepancies in the CRA boundaries between City records and the Property Appraiser.

Commissioner Williams opined CRA should have a full compliance audit. Attorney Barnebey will bring information regarding the audit back to Commission.

Commissioner Lancaster stated CRA has done a good job and discussed Commission's right to give CRA direction.

Commissioner Zirkelbach reiterated his opinion the issues are still a lack of communication or a breakdown in communication. He suggested that a joint meeting be held so the Board can be apprised of Commission's issues. He opined the Board would react in a swift manner to correct any oversight on their part and to carry out Commission's direction.

Discussion ensued on how the Mayor and each Commissioner envisions the approval process if the Commission chooses to implement final approval for CRA projects. Commissioner Zirkelbach stated that if Commission changes the CRA Board to a recommending board it will change the course of the CRA and he cannot support making any change to the CRA Board except telling the Board what is wanted.

Commissioner Williams discussed the executive director's contract as it refers to the budget, stating funds should have been placed in the budget for any potential buy out. Discussion

ensued on a buy out in the event of termination or injury. Commissioner Zirkelbach stated the city attorney and the previous mayor approved the contract prior to the CRA Board approval. Discussion ensued on the fact Commission had given instructions that no contract was to be approved that extended beyond a mayor's term. The fact that a previous city attorney had stated that the director was not a department head of the City, and that the CRA is a separate entity was discussed. Attorney Barnebey confirmed the CRA can hire and appoint its own director, as well as its own legal counsel, by statute. He stated his understanding the original director was a City employee who obtained a contract with the CRA; the contract was granted in 2007 and extends to 2010. He stated he will research if the CRA executive director is a department head.

Attorney Barnebey confirmed the Commission has the authority to become the CRA and the authority to appoint an advisory committee, similar to the P&Z and the county Port Authority. Attorney Barnebey discussed how the City of Bradenton operates its CRA and stated there are Attorney General Opinions that state a city can not limit what a CRA is permitted to do beyond what the statutes allow. Attorney Barnebey opined that based on his understanding of the comments he has heard, the clearest way to accomplish what the City Commission wishes is to take over the CRA Board, appoint the current CRA Board as an advisory board with the understanding that if Commission does not agree with a recommendation, the topic would go back to CRA for discussion. Commissioner Zirkelbach commented on another option that would allow two of the CRA Board members to be part of the Commission during the CRA portion, with voting authority; those two members could take any issues back to the CRA Board.

Attorney Barnebey stated that the options discussed by he and Mr. Zirkelbach followed the statutes. He cautioned that it is unclear how much authority the Commission has if something short of the options occurs, then he probably would not recommend the Commission pursue any other direction; there must be clarity on who is making decisions.

Attorney Barnebey informed Commission that in order to take over the CRA Board a resolution must be adopted, per Section 163.357 *Florida Statutes* and an ordinance amendment must be adopted. He suggested that in the interim Commission could hold the joint meeting with the CRA Board.

Mayor Bryant stated that her concern having an issue arise that the City Commission does not have the ability to override, i.e. negotiation and award of grants and contracts. Discussion ensued on the ability to control the CRA budget. It is unclear in the statutes exactly how much control the City may impose.

Mrs. Lancaster stated when a vote is taken on whether or not to take over the Board, she wanted to be on the record that she does not want to be the CRA Board.

Commissioner Zirkelbach again reiterated that as a Board member, the Board did not hear but one request for a joint meeting. He also confirmed the CEDC Partnership is in the CRA budget under the community line item.

Commissioner Varnadore moved, Commission Williams seconded and motion carried 5-0 to adjourn the meeting at 5:50 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
December 15, 2008 7:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Tambra Varnadore, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Brian Williams, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

Mark Barnebey, Special Counsel
James R. Freeman, City Clerk
Mike Mayer, Deputy Chief
Allen Tusing, Interim Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm. Pastor David Smiley, Providence Presbyterian Church of Palmetto gave the invocation, followed by the Pledge of Allegiance.

All persons intending to address Commission were sworn in.

PUBLIC COMMENT:

Jim DeMaro, local president of Manasota Postal Workers Union, requested Commission adopt a resolution in support of retaining the local postal service at the Sarasota/Bradenton Airport and opposing any studies or actions that would move the local mail out of the area.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to place a resolution on the next agenda supporting keeping the mail processing in our city.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

Commissioner Cornwell requested that a question be added to the agenda prior to the first reading documents, #1B. Commissioner Williams also requested that the issues discussed in the shade meeting regarding items 1, 4 and 5 from City of Palmetto vs. Floyd Williams deceased, case #2007CA4115 be added. Commission concurred and added the topic as item #20.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve the December 15, 2008 7:00 agenda as amended.

2. CONSENT AGENDA

- A) Minutes: December 1, 2008
- B) November Check Register

Commissioner Williams removed the November Check Register for discussion.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the December 15, 2008 Consent Agenda.

Staff was asked to determine if Jefferies Lawn Service is the only vendor that supplies the equipment purchased, and to determine if the movie Casper was shown at Movie in the Park.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the November Check Register.

Commissioner Cornwell inquired why the 7th Avenue Cottages conceptual plan had not been presented to Commission before the first reading of the ordinance, as some other major developments have been presented. Attorney Barnebey stated this is a quasi judicial matter and most, if not all, discussion should occur in the public hearing. He requested time to research the topic before holding a workshop on the matter.

3. PUBLIC HEARING: CONDITIONAL USE PERMIT 08-05 (B. Schmitt)

Application of Value Pawn for a Conditional Use Permit for an electronic message center sign at 908 8th Ave. W.

Mayor Bryant opened the public hearing.

Sandi Bargfrede stated the only change to the sign will be to allow a static copy area to the electronic area to make it easier and safer for employees to change the message. Marjorie Batey cited four other signs on 8th Avenue that have the same type of sign. Ms. Bargfrede stated the variance was approved by the P&Z Board November 10, 2008.

Mr. Tusing stated staff recommended denial because the criteria for the sign do not conform to the Downtown Design Guidelines for the roadway. He stated the P&Z Board approved the sign with conditions that the sign must remain static for five minutes before changing. Ms. Bargfrede stated the conditions were agreed to at the P&Z Board meeting.

Wayne Parsons, employee of Value Pawn, requested approval, based on the safety aspect of a manual change to the message vs. an electronic change.

David Tockowich, manager of Value Pawn, stated the electronic message will help in terms of changing, ease of reading, over all increase of efficiency.

Mayor Bryant closed the public hearing.

Discussion: Commissioner Zirkelbach stated that while he respects the business aspect of the application, it may be best if the P&Z Board revisits the criteria of the Downtown Development Guidelines to better define what they will approve; if established guidelines are not going to be followed, they should be amended. Commission Lancaster concurred.

Mr. Tusing confirmed the sign is located on private property.

Commissioner Varnadore stated she would prefer to not approve further electronic signs until the Commission gets clear direction regarding the sign ordinance and comments regarding the Downtown Design Guidelines. She stated that at this time she does not support this action.

Attorney Barnebey recommended that the matter be continued until the next meeting to allow Commission to receive comments from the Planner.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried to table the Conditional Use Permit 08-05 for Value Pawn and Jewelry, 908 8th Ave. W. until January 5, 2009.

4. CRA BOARD

Alison Hewitt of the CEDC spoke to Commission regarding the firm's association with the CRA, and how the firm assists small business owners in Palmetto. She confirmed that the \$75,000 payment was funded for fiscal year 2009. Commission requested a report from Ms. Hewitt concerning businesses they have assisted.

Dr. Scott Maloney discussed his ten year tenure on the CRA Board. He stated he is not aware of a serious communication issue between the Commission and his board; the Executive Director has made every effort to keep the CRA Board informed. Dr. Maloney stressed the fact that the board only wants to do what the City Commission would approve.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to allow Dr. Maloney to continue.

Dr. Maloney requested a joint workshop between the CRA Board and Commission to have an in-depth discussion concerning the CRA budget. He proposed opening the lines of communication and requested that Commission postpone making any rash decisions at this point. He opined the CRA Board should remain in the citizen's position of decision making and should not be an advisory board, stating he wanted to be accountable for every decision he makes.

Mayor Bryant stated she had had a discussion with Dr. Maloney and Mr. Langford, and reiterated that it is not the intent to ask the board members to step down. Commission discussed many of the same topics that were discussed during the 4:00 workshop with Dr. Maloney. Commissioner Zirkelbach referred to the executive director's contract that was provided to him, stating there is no clause referring to payment for an injury; stating it is almost identical to the contract granted in 2001. Mayor Bryant did caution Dr. Maloney that if the CRA Board executes any more contracts without Commission approval, she will take the steps necessary to make drastic changes. Staff was directed to schedule a joint workshop meeting after 5 pm.

5. APPROVAL: 2009 PLANNING AND ZONING BOARD APPOINTMENTS

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the 2009 Planning and Zoning Board member appointments of Charlie Ugarte and Christopher Moquin to a term ending January 2012 and alternate members Eric Gilbert and Jim Pastor to a term ending January 2010.

Mayor Bryant confirmed an orientation covering sunshine laws, Roberts Rules, Commission policies, etc. would be held with all new board members. Mr. Freeman discussed how information has been provided to new board members in the past.

Commissioner Varnadore reminded Commission she has requested that conversation be held concerning a requirement that all Planning and Zoning Board members be residents of the City. Commissioner Cornwell also discussed her request that all in-coming board members be asked to attend a City Commission meeting so Commission could thank them for their service.

6. APPROVAL: 2009 CODE ENFORCEMENT BOARD APPOINTMENTS

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the 2009 Code Enforcement Board member appointments of Scott Dougherty and Robert Rotondo to a term ending

January 2012 and alternate member William E. Collins to a term ending January 2012.

7. APPROVAL: 2009 NUISANCE ABATEMENT BOARD APPOINTMENTS

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the 2009 Nuisance Abatement Board member appointments of Scott Dougherty and Robert Rotondo to a term ending January 2012 and alternate member William E. Collins to a term ending January 2012.

8. RATIFICATION OF GENERAL EMPLOYEES' PENSION PLAN BOARD OF TRUSTEES' APPOINTMENTS

Pursuant to City Code Sec. 22-83 Commission shall ratify, as a ministerial duty, the General Employees' Pension Plan Board of Trustees' appointments of the sixth and seventh trustees.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to ratify the General Employees' Pension Plan Board of Trustees' appointment of Ellen Leonard and Allen Tusing as the sixth and seventh trustees to a term ending January 2012

9. RESOLUTION NO. 08-38

Resolution No. 08-38 authorizes the Mayor to execute a Florida Department of Transportation Maintenance Agreement for certain median islands, interchange areas and rights-of-way.

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT #BDM25, FM424087-1-78-01; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Tusing informed Commission that FDOT has notified the City that in order to comply with the terms of the agreement the City must purchase capital equipment for the street sweeper that is utilized for streets under FDOT jurisdiction and that two City trucks and employees must accompany the sweeper. He also stated the level of service for maintaining the FDOT jurisdictional streets will decrease if the agreement is not executed. Staff was directed to contact FDOT to discuss any available options, to search for any FDOT required equipment that is used and for sale, and to look at the budget to determine if a lease/purchase agreement could be utilized to obtain the required equipment.

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to table Resolution No. 08-38 until January 5, 2009.

10. RESOLUTION NO. 08-39

Budget amendment to recognize additional revenue from the Florida Department of Transportation Maintenance Agreement.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to remove Resolution No. 08-39.

11. RESOLUTION NO. 08-40

Resolution 08-40 formalizes the City's current practice concerning public participation at City Commission meetings. Based on comments received during the workshop, Mr. Freeman suggested that Policy #09-02 be modified to reflect a 5:00 start time for the workshop meetings.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING CITY COMMISSION POLICY #09-02 ESTABLISHING RULES OF PROCEDURES FOR CITIZEN PARTICIPATION AT CITY COMMISSION PUBLIC AND WORKSHOP MEETINGS; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 08-40.

12. APPROVAL: DIVISION OF EMERGENCY MANAGEMENT GRANT

A) Approval of a State of Florida Division of Emergency Management 50% matching grant and establishment of the budget to recognize the grant revenue for the purchase and installation of six garage doors to harden the Public Works fleet maintenance building.

Mr. Tusing informed Commission that the building will not conform to the Miami-Dade Code, but is structurally sound. Commissioner Zirkelbach suggested it would be prudent to consult the building's as-built plans to confirm the building would be able to support the doors, and suggested approval contingent upon the findings of the research.

Mr. Freeman reviewed revised budget figures to fund the project, as depicted in a revised Resolution No. 08-41. Mr. Freeman stated that the grant would fall under the single audit provision in the City's annual audit. He will confirm his statement with the Finance Department and bring the item back to Commission if he finds the grant will require any additional audits.

Commissioner Varnadore also commented on the fact the City will attest that it is a drug-free workplace; staff discussed the random testing and accident-related testing that is performed. She noted a letter must be supplied attesting to the building's condition. Commissioner Williams recommended that the contact information be updated.

MOTION: Commissioner Cornwell moved to approve and authorize the Mayor to execute the State of Florida Division of Emergency Management Federally-Funded Subgrant Agreement in an award amount of \$14,445 and approve a cash match amount not to exceed \$14,445.

MOTION: Commissioner Varnadore moved to amend the motion on the floor, to include the discussed conditions and if research proves contrary that the topic will be brought to Commission. Mrs. Lancaster seconded and motion carried 5-0.

B) RESOLUTION NO. 08-41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commission Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 08-41.

13. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-978

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-14 (RESIDENTIAL 14 UNITS PER ACRE) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/-acres).

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-1 to approve Ordinance No. 08-978 for advertising and schedule a public hearing January 5, 2009. Mr. Williams voted no.

14. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-979

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM RM-6 (RESIDENTIAL MULTI-FAMILY) TO PDH (PLANNED DEVELOPMENT HOUSING); APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A SINGLE FAMILY RESIDENTIAL PROJECT DEPICTING SIX (6) UNITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-GDP-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/- acres).

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 4-1 to approve Ordinance No. 08-979 for advertising and schedule a public hearing January 5, 2009. Mr. Williams voted no.

15. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-980 (B. Schmitt)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR PARCEL 9 OF THE RIVIERA DUNES MASTER DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 08-06 Beach Townhomes Investors, LLC, PID# 2581600959, approx. 1.31± acres).

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion carried 4-1 to approve Ordinance No. 08-980 for advertising and schedule a public hearing January 5, 2009. Mr. Williams voted no.

16. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-981

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-06 – R&W Gulfcoast Properties, LLC. PID # 2578000008, approximately 1.38+/- acres).

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 4-1 to approve Ordinance No. 08-981 for advertising and schedule a public hearing January 5, 2009. Mr. Williams voted no.

17. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-982

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM INDUSTRIAL LIGHT (IL-COUNTY), TO HEAVY COMMERCIAL/INDUSTRIAL (HCOMIND-CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-06 – R&W Gulfcoast Properties, LLC. PID # 2578000008, approximately 1.38+/- acres).

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 4-1 to approve Ordinance No. 08-982 for advertising and schedule a public hearing January 5, 2009. Mr. Williams voted no.

18. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-983

AN ORDINANCE OF THE CITY OF PALMETTO, PALMETTO FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LIGHT MANUFACTURING (LM-County) TO COMMERCIAL HEAVY INDUSTRIAL (CHI-City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-06 – R&W Gulfcoast Properties, LLC. PID # 2578000008, approximately 1.38+/- acres).

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-1 to approve Ordinance No. 08-983 for advertising and schedule a public hearing January 5, 2009. Mr. Williams voted no.

19. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-984

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 2, SECTION 2-26 OF THE CODE OF ORDINANCES TO REVISE THE MEETING SCHEDULE FOR THE CITY COMMISSION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve Ordinance No. 08-984 for advertising and schedule a public hearing January 5, 2009.

20. LITIGATION ASSESSMENT MEETING

Attorney Barnebey referenced the litigation assessment meeting held at 6:00 for the City of Palmetto vs. the Estate of Floyd Williams, et al, case #2007CA4115. He requested authorization to make an additional deposit to settle the cases, as follows:

Parcel #1	\$17,562.50
Parcel #4	\$14,783.00
Parcel #5	\$15,712.50

He stated his belief the additional deposit will resolve the case as it pertains to the three parcels; parcel #1 has been purchased and parcel #2 is still in negotiation.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the expenditures and amount of the deposit as delineated by City Attorney Mark Barnebey.

21. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

The planner has resigned effective January 2, 2009. He inquired how the Commission felt about contracting with the planner until a replacement can be hired. Mr. Tusing stated the EAR has been approved but the Comp Plan amendments from the document have not. Richard Clark of ZNS (one of the City engineers) stated he is certain his firm can assist the City during the upcoming public hearings and on any other projects. Mr. Freeman stated the contract services line item was moved into the salary budget. It was consensus of Commission not to contract with Mr. Schmitt and to have conversation with ZNS regarding planning services until a planner is hired.

Mr. Freeman

Requested Commission call him with any questions regarding the Scott memo.

Referring to the IT position in his budget that has never been filled, he requested permission to have discussion with firms that might be able to assist the department in certain items. Commission concurred.

Informed Commission that the Employee Assistance Program contract that renews in December was received after the agenda was published. The item will be placed on the January 5, 2009 agenda.

The Suspense Log is being reviewed at the department head meeting.

Referring to the McKinney property, the abutting church has expressed an interest in the property. Staff will try to facilitate a meeting between the two parties.

22. MAYOR'S REPORT

Reported there has been a meeting with a School Board representative concerning Palmetto Elementary and a meeting has been scheduled with the county administrator, which may have to be rescheduled because of a conflict.

The 7th Street light was discussed at the MPO. Stanley Kahn, FDOT, is emphatic the light will not be turned on without the requirements that were in place for the light. Conversation is being held with the county, and FDOT will be contacted, regarding how to move forward and make access to the City at that location.

Reported she attended the Chamber's EDC meeting. The county is trying to support local vendors as much as possible; the City will try to support the plan, but prefers to deal with the vendors and businesses in Palmetto. She discussed her plan to create a business advisory group for the mayor and Commission.

23. COMMISSIONERS' COMMENTS

Mr. Zirkelbach

No comment.

Ms. Cornwell

Publix opens December 18, 2008.

Requested the material for the public hearings be left in her agenda book.

Mr. Williams

Requested discussion on how to handle first readings. Attorney Barnebey opined there may be brief discussion at a first reading, but the public hearing is where detail discussion should occur.

Met with Mr. McClash and Mr. Tusing. Mr. McClash seemed very pleased the City is attempting to open dialogue with the county and promised to work with the City regarding better communication.

Requested a list of the audio and minutes that are available on the website.

Ms. Varnadore

Inquired what action has been taken on the Code Enforcement issues that were brought up at the last meeting. She requested that if one Commissioner brings forward an issue that time is taken during a meeting to address the topic.

Inquired how the sign ordinance issue is progressing and how the Downtown Design Guidelines apply to what the Commission is doing.

Commented the next agenda currently has nine items. She stated she did not see the need to duplicate information from one agenda to the next if there is no new information that comes forward.

Mrs. Lancaster

Requested that the McKinney property meeting be scheduled as quickly as possible.

Reminded Commissioners to RSVP to Deanna concerning the MLK Parade.

24. PUBLIC COMMENTS

None.

Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to adjourn the meeting at 10:00 pm.

Minutes approved:

James R. Freeman
City Clerk