

TAB 1

Palmetto City Commission  
September 14, 2009 4:30 PM

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney  
Tom McCollum, Interim City Planner  
James R. Freeman, City Clerk  
Chief Garry Lowe  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

Chief Garry Lowe presented Dean Carter a plaque acknowledging his 30 years of service in the Police Department.

Mayor Bryant requested that Commission consider the proposed ordinance that will amend the Zoning Code to add recreation and amusement services to the schedule of permitted and conditional uses. Commission concurred.

1. SPECIAL FUNCTION PERMIT

Attorney Barnebey informed Commission that since the last review, the most significant proposed amendment is to add a Facility Use Agreement to the Special Function Permit process. This agreement, when provided with insurance, will exempt the event from obtaining the permit, particularly for City buildings. He recommended that if the facility use agreement is used, together with the insurance requirement, the attendance number triggering the need for a special function permit should be left at 50.

The insurance requirement was discussed. It was suggested that the City should determine the cost of a policy for special events so individuals using City facilities would not have to provide additional insurance. No action to delete the insurance requirement was made to the document.

Discussing the attendance threshold, and particularly the Carnegie Library, Attorney Barnebey confirmed that the proposed language would still require insurance even if a special function permit is not required. Commission directed that the attendance threshold requiring a special function should be set at the building capacity, or if there is no building capacity, the threshold should be set at 50.

Commission concurred that the administrative approval process outlined in the point paper should be included in the language of the ordinance.

Commission concurred that the indemnification language on the special function permit should be deleted, because of the questionable value of the indemnification and enforcement issues.

Commission concurred that the language in the point paper addressing an applicant's attendance at the City Commission meeting where the application is considered be incorporated into the ordinance.

Staff was asked to ensure that special function permit applications are time stamped.

The ordinance will be placed on the September 28, 2009 agenda for first reading.

## 2. ALCOHOL ORDINANCE

The proposed ordinance provides for consistent measurements between churches and schools from establishments selling alcohol. The proposed language will establish the measurement procedure to follow the shortest route of ordinary pedestrian travel from the main entrance of the place of business wherein the intoxicating beverages are sold, to and along public streets to the nearest point of the church or school property in use as part of the church or school facilities. Topics Commission discussed were properties that are fenced, and how the measurement would affect those businesses, and the definition of ordinary pedestrian travel. After debate, a majority of the Commission preferred that the measurement be to the property line of any church or school.

Mayor Bryant informed Commission that staff is in the process of building a data base of businesses selling or serving alcohol and if those businesses' alcohol license was properly issued. Attorney Barnebey opined that the City will have to grandfather businesses that were properly permitted, and address those businesses where a discrepancy exists. Mayor Bryant suggested that it may necessary to explore the types of licenses that have been issued, especially those licenses that have been issued to restaurants.

## 3. PROPOSED ORDINANCE NO. 09-1000

Mr. McCollum discussed the proposed ordinance that will amend the Zoning Code land use section to allow recreation and amusement services as permitted and conditional uses.

Mr. McCollum listed the objective criteria that have been developed for judging if the uses would be an allowable permitted use in zoning categories GC and CHI, as follows:

- The site must front on a principal arterial roadway
- A 6' perimeter wall or opaque fence must be installed adjacent to residential uses or residentially zoned property
- Hours of operation will be from 8:00 am to 12:00 am

Mr. McCollum confirmed that if the proposed activity met the objective criteria, the application would be administratively approved by the Director of Planning without any Commission review. Commission discussed the topic and determined that the use should be conditional in both categories, which demands Commission review and approval.

It was also suggested that staff should research establishing distance requirements between establishments approved for the same type of use.

The proposed ordinance is on the 7:00 agenda for the first required public hearing.

Meeting adjourned at 6:00 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
September 14, 2009 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Chief Garry Lowe  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:02 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

PROCLAMATION: Constitution Week September 12-23, 2009  
Accepted by LouAnn Douglas, Regent of the Osceola Chapter of DRA,  
and Harold Crapo, President of the Sons of the American Revolution,  
Saramana Chapter

Swearing-in of all persons intending to address City Commission or the CRA Board.

Public Comment: Sharon Tarman requested that Hidden Lake Park be mowed.

**CITY COMMISSION MEETING ORDER OF BUSINESS**

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that item #10 be moved forward on the agenda to be followed by item #3. Attorney Barnebey requested that item C, Special Litigation billing, of the Consent Agenda be removed.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-1 to approve the revised September 14, 2009 7:00 PM Agenda with the removal of item 2C and moving item #10 to be item #3A.**

2. CITY COMMISSION CONSENT AGENDA (as revised)

- A) Minutes: August 17, 18, 24, 31, September 1, 2009
- B) August Check Register
- C) Special Function Permits: Pongo's Party in the Park  
Westbrook Bridal Shower
- D) Progressive American Insurance Property Damage Release Claim 09-2930951
- E) Corrective Ordinances for Street Vacations

Commissioner Cornwell requested that the September 1, 2009 minutes be removed for discussion. Commissioner Lancaster requested that item 2D be removed for discussion.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the September 14, 2009 Consent Agenda, with the removal of the September 1, 2009 minutes and item 2D, for discussion.**

Commissioner Cornwell requested that the September 1, 2009 minutes be corrected to reflect the correct attendance of Mr. Zirkelbach.

Commissioner Lancaster asked Attorney Barnebey if the Progressive American Insurance Property Damage settlement should be approved. Attorney Barnebey stated that from a legal standpoint, it is acceptable.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the September 1, 2009 minutes and item 2D of the September 14, 2009 Consent Agenda, with changes as noted.**

3A. 23rd STREET ALIGNMENT PROJECT (A. Tusing)

Mr. Tusing referred to his August 17, 2009 7:00 presentation on the updated 23rd Street alignment project. The project is estimated at \$3.2 million; \$1.6 million for the realignment of 23rd Street and \$1.6 million for construction of the baseball complex. The City has received \$800,000 in stimulus funds for the road realignment and \$1,025,498 from the sale of property to the School Board, Just for Girls and Palmetto Boys and Girls Club. The City is attempting to obtain additional funding of \$500,000 from both Manatee County and the School Board, but that funding has not been approved by either entity. Even with the additional funding, the project is still facing an approximate \$500,000 deficit. Mr. Tusing requested that Commission approve the allocation of \$700,000 of the \$1,025,498 proceeds from the sale of City property so the City can begin the street project. Mr. Tusing reconfirmed that even the original plan developed by prior administration and staff required that the street be moved to accommodate the much smaller planned fields. He also reported that Manatee County deemed the original plan for the baseball fields would not meet public safety criteria.

Mayor Bryant opened the floor to public comment. Commission held a lengthy discussion with the following individuals about their concerns regarding the project and the negative impact the project is having on the Palmetto Little League organization: Beth VanVranken, Rebecca Tripp, Colin Tripp, Charles Hague, Shannon Hague, Oscar Vela, Maricelda Rodriguez, Elizabeth Conrad, Fred Smith, Flynn Finner. During the discussion, Mayor Bryant encouraged the organization to pursue grant funding they were eligible to receive, which is not available to municipalities. The Commission also assured the public that the City is committed to building a baseball field complex that everyone can be proud of, that will equal like complexes in other areas of the county, and which will well serve the youth of the community into the future. A copy of the letter read by Mr. Hague addressed the City is attached hereto and made a part of these minutes.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the expenditure of not more than \$700,000 from the net proceeds of \$1,025,498.22 from the sale of property to the School Board of Manatee County, Boys & Girls Club and Just for Girls.**

Mayor Bryant acknowledged the presence of County Commissioner Carol Whitmore and County Commissioner John Chappie.

3. PUBLIC HEARING – TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 2010 BUDGET

**Mayor Bryant opened the public hearing.**

Mayor Bryant stated the tentative millage rate of 4.6662 is less than the rolled-back rate of 5.1925 mills by 10.14%. She discussed how the City achieved the decrease in the budget, and reviewed the tentative budget amounts contained in each Fund.

**After no public comment, Mayor Bryant closed the public hearing.**

RESOLUTION NO. 09-34 (read into the record in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2010; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to adopt Resolution No. 09-34.**

RESOLUTION NO. 09-35 (read into the record in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2010; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Lancaster stated she would abstain from voting on Resolution No. 09-35, citing a conflict in voting on the salary of her nephew, Chief Lowe.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 3-0 to adopt Resolution No. 09-35. Commissioner Lancaster abstained from the vote.**

4. HIDDEN LAKES CELL TOWER

Mr. Freeman informed Commission a notice of the meeting had been mailed by Verizon to households within one-quarter mile of the park. Lora Bellflower, representing Verizon, stated the proposed tower is 150' tall, antennas and cables are located inside the structure, it is designed for additional co-locators and it will fly the American flag. The coverage will extend from the tower for approximately two miles and will only improve service to Verizon and Altell customers until such time additional co-locators lease space. Ms. Bellflower confirmed carriers wishing to locate on the pole will lease the space through the City. Mr. Tusing requested that the proposed solid fence surrounding the site be 7' to 8' vs. the proposed 10' and that it be slatted to allow for airflow. Verizon agreed to the request.

Mr. Freeman informed Commission staff will proceed with the lease negotiation and bring the topic back on the September 28, 2009 agenda.

5. PUBLIC HEARING: TRANSMITTAL OF ORDINANCE NO. 09-995

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 624 (THE CITY OF PALMETTO COMPREHENSIVE PLAN); ADOPTING AMENDMENTS TO THE DEFINITIONS SECTION, FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, SANITARY SEWER ELEMENT, SOLID WASTE ELEMENT, STORMWATER ELEMENT, POTABLE WATER ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, PARK, OPEN SPACE, AND RECREATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENT ELEMENT, AND ADDING A PUBLIC SCHOOL FACILITIES ELEMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN; PROVIDING FOR

**REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. McCollum informed Commission the Planning and Zoning Board, following a public hearing, has made its recommendation concerning the Comprehensive Plan amendment. Since the public hearing, comments received by P&Z Board members, Commissioners and the public have been outlined in the point paper provided in the agenda packet.

Several Commissioners discussed the need for an additional workshop before transmitting the ordinance.

**Mayor Bryant opened the public hearing to consider transmittal of Ordinance No. 09-995.**

Ron Witt, Kaklis Venable and Witt, counsel to the Regatta Pointe Condominium Association, introduced Joe Venable, who addressed Commission regarding his concerns with the proposed Comprehensive Plan amendment. Mr. Venable provided a transcription of his comments, which is attached hereto and made a part of these minutes. Mickey Hopkins, representing the owners at Regatta Pointe condos, read into the record a statement outlining the homeowners' concerns, a copy of which is attached hereto and made a part of these minutes. Mayor Bryant read into the record an email message received by the Planning Department, stating that Terry Linqvist, a resident of Regatta Pointe, could not attend the meeting, but he wanted to register his opposition to the proposed future land use designation.

Ms. Hopkins spoke for the following individuals: Virginia Smith, Chris Moquin, Barbara Moquin, Frank Schumacher, Violet Schumacher, Chet Matteucci, Pat Mueller, John Hopkins, Earl Lucas, Dennis Vitton, Christel Anderson Leitz, and Richard Leitz.

Bill Manfull asked that before transmittal of the ordinance, Commission consider adding an RV Park designation to the document.

Ann Marshall stated that Regatta Pointe should be preserved for the citizens; it was never the plan to turn the property over to commercial use for development.

Mr. Lucas was recognized as the Manatee County Distinguished Citizen of the Year.

**Mayor Bryant closed the public hearing.**

**MOTION: Commissioner Varnadore moved and Commissioner Williams seconded to continue the public hearing.**

Discussion ensued on the time sensitivity of transmitting the ordinance. Attorney Barnebey confirmed that the school concurrency portion of the ordinance can be transmitted, as it is overdue, while the City continues to finalize the rest of the ordinance. Attorney Barnebey stated that he has been in contact with the Department of Community Affairs regarding the City's amendment, and while he has no indication the State is preparing to issue penalties, failure to submit the school concurrency portion of the ordinance could result in the loss of grant funds. He opined that it is probably a good idea to pull out the school concurrency issue.

Attorney Barnebey stated that on the PU District "generally", he cannot find any development potential in the current Comprehensive Plan; some type of use designation must be applied as there is already commercial development on the PU site. He recommended that the Planned Development name be changed because of the confusion with the Planned Development Zoning District.

**Commissioner Varnadore withdrew her motion and Commissioner Williams withdrew his motion.**

**MOTION:** Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to continue the public hearing only as to the school concurrency portion of Ordinance No. 09-995 to September 28, 2009.

A meeting to discuss the balance of the ordinance will be scheduled.

Meeting was recessed for five minutes.

**MOTION:** Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 3-0 to open the CRA Board meeting at this time. Commissioner Varnadore was absent for the vote.

Mayor Bryant recessed the City Commission meeting at 9:48 pm.

Mayor Bryant reconvened the City Commission meeting at 10:10 pm.

**MOTION:** Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 4-0 to set a meeting time certain end of 10:30 pm.

6. PUBLIC HEARING: ORDINANCE NO. 09-998

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-175, CONTRIBUTIONS; AMENDING SECTION 22-176, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-178, DISABILITY BENEFITS; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-186, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-187, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-188, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-189, EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; AMENDING SECTION 22-191, FORFEITURE OF PENSION; AMENDING SECTION 22-194, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-198, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**Mayor Bryant reopened the public hearing continued from August 17, 2009.**

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to continue the public hearing to October 19, 2009, at 7:00 p.m. or as soon thereafter as the item may be heard in these chambers.

7. PUBLIC HEARING: ORDINANCE NO. 09-999

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

**Mayor Bryant opened the public hearing for Ordinance No. 09-999**

Jason Henbest of Grimes Goebel, counsel representing the owner of the former Movie Video Gallery building, spoke making the uses conditional in the CG and CHI categories, rather than as



permitted uses. He discussed the uses that can be placed on properties in the CG and CHI categories under current ordinance that require very little oversight. He opined the proposed recreation and amusement use will create off-site impact. He further opined that the City's conditional use process does not offer predictability to a landowner, nor does it have any established criteria. He suggested that decisions made without criteria have very little defensibility.

**Mayor Bryant closed the public hearing.**

Attorney Barnebey informed Commission this is the first of two required public hearings for this ordinance. Responding to Mr. Henbest's comments, Attorney Barnebey informed Commission it is their decision whether or not there are adequate standards for permitted uses, agreeing that established standards are the best ways to address permitted uses. He stated standards that are in place regarding conditional uses.

It was consensus of Commission to amend the language of the ordinance to delete permitted uses and permit only conditional uses in the CG and CHI categories. Staff was also asked to research placing distance requirements for like establishments.

**MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 4-0 to approve Ordinance No. 09-999 for a second public hearing September 28, 2009, as amended.**

**8. RESOLUTION NO. 09-36**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING THE MANATEE RIVER FAIR ASSOCIATION'S APPLICATION TO THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR GRANT FUNDING TO CONSTRUCT A NEW AGRICULTURE EDUCATION AND PROMOTION FACILITY AT THE MANATEE COUNTY FAIRGROUNDS.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to adopt Resolution No. 09-36.**

**9. AWARD OF BID AND CONTRACT APPROVAL FOR HEALTH INSURANCE SERVICES**

Mr. Freeman updated the contract amount, stating it will be offset by the buy-up portion the employees will fund. Mr. Freeman confirmed Attorney Barnebey has not reviewed the contract.

**MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded to recess this meeting to September 15, 2009 at 6:00 pm or as soon thereafter as the item may be heard.**

To allow for public comment, Commissioners Lancaster and Cornwell withdrew their motions.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to extend the meeting by five minutes.**

PUBLIC COMMENT: Nat Smeraldo requested closure to the issues involving his alcohol license application. He stated that if the ordinance is not amended, the business improperly issued a license should be addressed. Discussion ensued on the definition of ordinary pedestrian travel; current interpretation deems an alley as ordinary pedestrian travel. Attorney Barnebey stated the clarification for the travel issue can be addressed and discussed at the meeting tomorrow.

**MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded to recess this meeting to September 15, 2009 at 6:00 pm after the CRA Board meeting, or as soon thereafter as the item may be heard.**

Meeting recessed at 10:44 p.m.

Mayor Bryant reconvened the City Commission meeting at 6:50 pm on September 15, 2009.

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Chief Garry Lowe  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Discussion continued on item #9 – AWARD OF BID FOR HEALTH INSURANCE SERVICES

Mr. Freeman confirmed that the one employee that currently pays 100% for his insurance who does not work a minimum of 30 hours has been advised he can go on COBRA at 102% for 18 months. Staff was directed to ensure the Personnel Policy is consistent with the 30 hour minimum. Mr. Freeman and Agent Aimee Geraci addressed the balance of questions from Commission. Attorney Barnebey requested that Commission approve the contract subject to legal review.

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to award the bid for health insurance services and approve and authorize the Mayor to execute a contract with Blue Cross Blue Shield for a term ending September 30, 2010, in an amount not to exceed \$1,140,456.60, subject to legal review and approval.

10. AWARD OF BID: PROPERTY, CASUALTY & LIABILITY INSURANCE

Phil Baker, Boyd Insurance, discussed the \$80,000 savings the City will realize by going to RFP and citing the City's local preference initiative, stated Boyd Insurance's bid can still save the City approximately \$70,000 by accepting their proposal of \$313,385. He further stated he has been given the authorization to offer a matching premium of \$301,818, solely at the expenses of Boyd Insurance.

Mr. Freeman acknowledged he did not participate on the Insurance Committee, and asked Ron Koper to address Commission. Mr. Koper explained how the companies were rated pertaining to the local preference initiative and the ability to service the City's needs; FMIT is the direct carrier with an agent residing in Manatee County, Boyd Insurance is an agency for an insurance carrier. He also explained key data points of the RFP and ratios that were used during the analysis, including the right to defend limits; cost of defense is outside the limits with FMIT and inside the limits with the other carrier.

**MOTION:** Commissioner Williams moved and Commissioner Lancaster seconded to award the bid for Property, Casualty & Liability Insurance to Florida Municipal Insurance Trust, in an annual premium amount not to exceed \$301,818, as recommended by the Insurance Committee.

Discussion: Mr. Koper confirmed Boyd Insurance has an agency in Manatee County and FMIT has a direct employee living in Manatee County. He also opined that the premiums were lower based on the reduction in salary. Discussing the small difference between Boyd and FMIT premium, Mr. Koper confirmed that Boyd did not quote any ancillary coverage which amounts to an approximate additional \$16,000.

Andy Hanson, FMIT, spoke of the return on premium that was disbursed back to members. He also stated that the premium has been reduced to \$269,315, based on the drop in salary after the RFP. Mr. Baker stated Boyd Insurance did not receive the revised payroll figures.

Attorney Barnebey instructed Commission that consideration for the award should be based on the information contained in the RFP and the submittals to the Insurance Committee. He stated he would like to bring this back at the next meeting, after he has had a chance to speak with Mr. Freeman. Mr. Koper confirmed that the recommendation from the Insurance Committee was based on the submittals to the Insurance Committee, not on any revised figures.

Mr. Koper confirmed that the City carries a special event policy from which individuals who cannot obtain insurance coverage for events that require a Special Function Permit.

**Commissioner Williams withdrew his motion.**

Attorney Barnebey stated he wants to make sure everyone submitting a bid did so based on the same information. If the Insurance Committee is making a recommendation based on that premise, Commission should take the recommendation from the Committee. Mayor Bryant commented that while she appreciates Boyd Insurance's offer for the matching premium, she feels it is inappropriate and it could be construed as opening the bid process.

After further discussion concerning the process, Mr. Baker stated he is satisfied the information received was the same. Commissioner Lancaster stated that in her opinion, the process was correctly followed and nothing was done that is improper. Attorney Barnebey stated he will look at the bid process to determine that it was fair.

Discussion ensued on the different bid award amount. Mr. Freeman confirmed that Karen Simpson had amended the point paper to \$301,818 from the submitted amount of \$311,042.

**Commissioner Lancaster withdrew her motion.**

**MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 4-0 to award the bid for Property, Casualty and Liability Insurance to Florida Municipal Trust with an annual premium amount not to exceed \$311,042, pending legal review.**

**11. EDENFIELD PROPERTY SITE ASSESSMENT**

Work Assignment #1 from PBS&J, City Engineer, for engineering services to the Preparation of Site Assessment Plan for the Edenfield Property. Mr. Tusing withdrew the item until staff has determined ownership of the property by the City or CRA.

**12. FDOT LOCAL AGENCY PROGRAM AGREEMENT**

Resolution No. 09-33 will authorize and approve the participation of the Florida Department of Transportation's funding of the intersection improvement project at 10th Street West and 14th Avenue West.

**RESOLUTION NO. 09-33**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT TO PROVIDE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PARTICIPATION IN

THE INTERSECTION IMPROVEMENT PROJECT AT 10TH STREET WEST AND 14TH AVENUE WEST.

**MOTION:**        **Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to adopt Resolution No. 09-33.**

13. 1st READ & ADVERTISING APPROVAL-ORDINANCE NO. 09-1000

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR CONSISTENT MEASUREMENTS FROM CHURCHES AND SCHOOLS FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:**        **Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 3-1 to approve Ordinance No. 09-1000 for advertising and schedule a public hearing September 28, 2009. Commissioner Lancaster voted no.**

14. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

Commented on his memo regarding the performance of the wastewater treatment plant during the recent rain event. He commended the plant's staff on their efforts to keep the plant in compliance. Discussion ensued on areas of the City that experienced minor flooding. Commission also commended the plant's staff, as well as City staff that responded to incidents.

Reported that the reuse system will be offline from September 21 through September 30 to repair a leak in the storage tank.

Chief Lowe

Reported the Property and Evidence Audit reported all items accounted for.

Reported a rash of street robberies in the Oakridge area on 13th and 14th Streets. An alert will also be issued on scams affecting the elderly.

Attorney Barnebey

Reported he and staff are finalizing data so foreclosure proceedings can begin on some of the City's condemned properties. He also stated he will be bringing forward a policy to ensure consistency in foreclosure cases.

16. MAYOR'S REPORT

Reported Mrs. Roberts will be sending out information received at the recent Tampa Bay Regional Planning Commission meeting.

A local TV channel will be visiting the Historic Park. Commission will also be receiving a CD of the Yellow Fever cemetery visit that was also recorded for TV viewing.

Read into the record an email from Aaron Burkett opposing the citing of the Verizon cell tower in Hidden Lake, citing radiation as a concern and his opinion the tower should be located in a commercial area. Commissioner Varnadore requested that Mr. Burkett contact her on the issue if he desires. Attorney Barnebey stated that the Federal Communications Act restricts an ability to deny cell towers based on the radiation issue.

15. COMMISSIONERS' COMMENTS

Ms. Varnadore

Suggested that the size of the agenda should be limited. Commission will discuss the topic at a subsequent workshop meeting.

Ms. Cornwell

Demonstrated the Survey Monkey website and spoke of the ease in setting up a survey tool. Mayor Bryant stated Mr. Freeman is currently working on a survey component on the City's website.

Mr. Williams

Suggested that until Commission receives definitive direction from the public concerning a change in opinion on the sale of alcohol on Sunday, he would prefer to leave the ordinance as it stands. A majority of the Commission concurred.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 that Commission not further discuss the change of the Sunday sales portion of the alcohol ordinance.**

Commission discussed the need to pursue enforcement issues relating to the ordinance. Attorney Barnebey stated that the sales locations in the ordinance should be tied to zoning rather than streets, and the issue may come back to Commission as a land use item.

Mrs. Lancaster

Reiterated that she has asked that communications be provided to her in a hard copy.

Commented that there are officers on the police force that know where the speakeasies are located, she doesn't understand how things are allowed to continue for years.

Meeting adjourned at 9:00 pm.

Minutes approved:

James R. Freeman  
City Clerk

1. The Regatta Pointe Marina Property lies within two separate Comprehensive Plan classification areas:

GENERAL COMMERCIAL

CORE COMMERCIAL

In the existing plan, residential use is not permitted in either classification. In the amendment, in the Definition section (Section III) the definition of General Commercial is changed by adding "Residential" as an approved use. Policy 1.3.3 in the Future Land Use portion of the plan, as amended, also expands the list of uses in the Core Commercial Classification to include "Residential."

2. Policy 8.3.1 mandates that certain areas of shoreline and coastal properties be given certain priorities of use. It lists, for example, "Water-Dependent," "Water-related," and "Non-water Related." It also lists eight areas that must be classified as "Water-Dependent," and provides that they must be classified as "commercial" or "public access/recreational." The Marina property is NOT on the list of eight sites. However, policy 8.3.2 of the existing plan requires that the City maintain a Natural Resources Map to identify those eight and other Water-Dependent areas. All of that policy of the plan is deleted, replaced with a weaker provision that such areas shall be protected through the City's land development code.

3. The Amendment replaces the "Planned Development" classification which permitted a maximum density of 16 units per acre, with the Urban Planning (UP) classification, having a maximum density of 45 units per acre.

4. Objective 8.5 of the Comprehensive Plan deals with Coastal High Hazard Areas (CHHA), defined as areas that are to be evacuated in a category one hurricane. The Regatta Pointe Marina property lies in a CHHA. Under existing code, the maximum density in a CHHA is 4 units per acre, UNLESS it is in a Planned Development classification, in which case the density is increased, but only to 10 units per acre; so in CHAA, the number of units permitted is below the 16 normally permitted in a Planned Development classification.

Policy 8.5.1 provides that high density development in CHHA's "shall be avoided," and goes on to provide that amendments to increase the existing use category density "shall be prohibited." The last sentence, prohibiting increase in density class, is deleted by the plan amendment.

5. The amendment to Policy 8.5.6 as proposed, limits density in CHHA to 4 units, BUT that limit does NOT APPLY to lands with an Urban Planning (UP) land use and zoning classification. If UP land use is approved, the 4 units per acre restriction does not apply. All language concerning the 10 unit per acre limit for Planned Development

classification in a CHHA is deleted by the amendment. That leaves us with maximum density of 45 units per acre in a CHHA with a UP zoning classification.

6. Policy 8.1.4 provides that the City SHALL use the Urban Planning (UP) concept in those coastal areas characterized as having unique environmental concerns in order to encourage clustering of development on the upland portions of the sites. Since the Regatta Pointe Marina and property is certainly a coastal area characterized as having unique environmental concerns, I believe that the City could not legally deny UP zoning there.

#### SUMMARY

1. Planning classifications within which Regatta Pointe Marina is located which forbade residential development will now permit it.

2. Tracking of Water-Dependent properties which might have included the Marina property is dropped.

3. Density limits in CHHA areas have risen from 10 units per acre to 45 units per acre in UP areas.

4. UP concept is mandated for the Marina property.

It is also interesting to note that land costs for waterfront condo projects are generally valued on a per unit basis of \$150,000.00 to \$200,000.00 per unit. If the marina property has an area of three acres at 45 units per acre x \$150,000.00, the value of the land to the developer is \$20,250,000.00. Though the land belongs to the City of Palmetto, it would probably not receive more than its annual rent under the existing lease of the property.



# *North River American Little League*

P.O. Box 1072, Palmetto, FL 34220

Dear Mayor Bryant and City Commissioners:

Thank you for the City's representation at the meeting of the NRALL on Tuesday. While we appreciate your attendance and interest in moving forward, we feel that we are being unreasonably pressured to make a hasty decision without adequate information. In essence, we were given one week to send the City a written commitment to either wait at least 2 or 3 years, and perhaps indefinitely, for a beautiful plan that ties the development of a Little League complex to other expensive improvements, or to accept an undesirable plan with an understanding that the City will never again participate in Little League improvements. We were also directed to apply for grants.

As you know, our league has already lost 35% of our players. This sort of decline will only continue, as children who join alternate teams may not return to our league when we have a place for them to play. For this reason, the City is at a distinct advantage when providing the "take it or leave it" ultimatum. Regardless, we suggest that these are not the only options.

**We continue to support the original design that was considered and conceptually approved by the City Commission last year.**

First: Mr. Allen Tusing, Director of Public Works, admitted that he has no cost estimates for the two designs presented, nor has the second option actually been "designed" – he said that he just "penciled the fields in" to the existing drawing. It is impossible for anyone to compare these "options" to each other or to "the original design" without this information.

Second: Although the "first option" is a wonderful design, it encompasses far more than the Little League improvements. We are strong supporters of the Little League and the recreational needs of Palmetto's children, but we balance this support with our concern as hard-working taxpayers.

Most concerning is that this option includes the realignment of 23<sup>rd</sup> Street. Straightening 23<sup>rd</sup> Street does not seem to be essential to the safety or well-being of the City of Palmetto at this time. Instead, it is an improvement that might be reasonable when the development in that area is complete. For many years, we've heard about development paying for itself. If the City believes that this improvement will be necessary because of the development that is planned, then it should be funded by the developer or by impact fees. Furthermore, it has been reported that the City has been awarded a grant to make these development-related improvements.

*Little League Pledge:*

*I trust in God. I love my country and will respect its laws. I will play fair and strive to win, but win or lose, I will always do my best.*





# North River American Little League

P.O. Box 1072, Palmetto, FL 34220

The cost of this project should not be “tied in” to discussion about Little League. Doing so only attempts to influence public opinion and make it sound like it is unreasonably expensive to honor the City’s commitment to the children and families of the Little League.

The same is true regarding the aquatic center, included in this option. We know that discussion about an aquatic center started before many of the current Little League players were even born. We support a pool, but especially in today’s economy, see no reason to believe that the aquatic center will become a reality in the next few years. It does not need to be included in these discussions.

Third: The “second option” is, by far, a less desirable design, with three fields to be constructed quickly, without significant forethought or design, and promised to be available within ninety days. Mr. Tusing advised us that if we take this option, we should understand that we will never again receive any assistance from the City.

As residents and tax-payers, we would be hesitant to agree to these conditions. We would be hesitant to believe that all future administrations will share Commissioner Cornwell’s sentiment as expressed in public meetings and repeated by Mr. Tusing, that the City shouldn’t be in the recreation business. In fact, we are undecided as to whether this option was provided because it is so bad that we would have to decline it and agree to wait, hoping that a nicer complex will be constructed someday.

If it is intended as a viable option, it should be noted that this half-hearted, quick fix does not consider the future of the Little League or of the City. It is proven that an appropriate Little League complex is an asset to a community. In addition to the health, recreation, and community benefits of neighborhood baseball facilities, Manatee County realized such an economic boost during the Little League regional All Star game that they invested \$140,000 in the concession stand at Lakewood Ranch.

**Our Special Counsel and Consultant have reviewed the City’s recent proposal and believe that “the original design” is still the most time-effective, sound and financially feasible plan.** In fact, with the recovery grant funding for the road improvements, the additional revenue generated from the sale of the 10<sup>th</sup> Street land to the School District, and the less expensive cost of construction in today’s economy, the original design should be even more affordable than originally estimated.

**The NRALL is eager to work with the City and to fully participate in this process. We are happy to raise funds and seek grant funding, to support a phased construction plan, and to push back the start of the spring season if necessary.**

*Little League Pledge:*

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# North River American Little League

P.O. Box 1072, Palmetto, FL 34220

Therefore, in order for the Little League to promptly provide you with a letter agreeing to support any course of action, please provide:

- 1 - A detailed listing of any and all objections to "the original design" as presented, if objection still exists.
- 2 - Cost estimates for Options 1 & 2, associated with the drawings distributed by Mr. Tusing at the NRALL meeting on Tuesday September 8, 2009.
- 3 - A timeline for construction for Option 2, so as to estimate how much of "the original design" can be completed in the 90 days with the resources that have already been allocated and committed.
- 4 - A copy of the grant agreement for the realignment of 23<sup>rd</sup> Street.
- 5 - A copy of any FRDAP applications to be submitted by September 15, 2009, understanding that no funding was allocated to the program by the State this year, but that applications are being accepted in the hopes that funding will be provided next spring, and it would be wise to be in the queue.
- 6 - Information from the City required for the Little League to apply for grant funding, as requested from Mr. Tusing in November 2008.

Your prompt response will be greatly appreciated and is essential to the timely progress of this project which is so important to this community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles A. Hague IV'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles A. Hague IV  
North River American Little League Inc.  
President

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**23RD STREET REALIGNMENT AND BASEBALL COMPLEX  
PROJECT**

<b>EXPENSES</b>	<b>ESTIMATED</b>	<b>ANTICIPATED</b>	<b>DIFFERENCE</b>
23RD STREET REALIGNMENT, to include all grading, drainage, pavement removal, roadwork, curbs, ponds, pavement, and intersection at US 41	\$1,600,000	\$1,120,000	\$480,000
BASEBALL COMPLEX, to include 3 regulation Little League fields and 1 regulation JR/SR field, along with concession stand with restrooms, lights, batting cages, parking, drainage and utilities	\$1,600,000 (based on estimate from Manatee County)	\$1,360,000	\$240,000
<b>TOTAL EXPENSES</b>	<b>\$3,200,000</b>	<b>\$2,480,000</b>	<b>\$720,000</b>
<b>EXPECTED REVENUE</b>			<b>\$0</b>
PROCEEDS FROM THE SALE OF PROPERTY TO THE MCSB, JUST FOR GIRLS, AND PALMETTO BOYS AND GIRLS CLUB	\$1,025,498	\$1,025,498	\$0
FEDERAL STIMULUS DOLLARS	\$800,000	\$800,000	\$0
FUNDING FROM MANATEE COUNTY	\$500,000	\$500,000	\$0
FUNDING FROM MCSB	\$500,000	\$500,000	\$0
CITY PARKS IMPACT FEES	\$31,130	\$31,130	\$0
<b>TOTAL EXPECTED REVENUE</b>	<b>\$2,856,628</b>	<b>\$2,856,628</b>	<b>\$0</b>
<b>SURPLUS/DEFICIT</b>	<b>-\$343,372</b>	<b>\$376,628</b>	

THE INFORMATION CONTAIN ABOVE ARE BASED ON INFORMATION THAT HAS BEEN OBTAINED DURING THE MANY MEETINGS WITH OUR ENGINEERING FIRM AND MANATEE COUNTY AND THE SCHOOL BOARD. THE CONTRIBUTIONS BY BOTH THE COUNTY AND MCSB ARE NOT CONFIRMED OR APPROVED. BASED ON CONVERSATIONS AT MEETINGS WE HOPE THAT THE TWO ENITIES WILL CONTRIBUTE TO THE YOUTH OF OUR COUNTY.