

TAB 1

Palmetto City Commission
Workshop Meeting
September 21, 2009 7:00 PM

Elected Officials Present:

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

Staff Present:

Mark P. Barnebey, City Attorney
Tom McCollum, Interim City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

Mayor Bryant informed Commission that Ron Witt, Chair of the Charter Review Committee, has informed her the time given the Committee to complete its review of the Charter expires October 6, 2009, and has requested an extension. Attorney Barnebey stated the Committee has completed its initial review, but will need additional time for the preparation of the ordinance and then a final review by the Committee. He estimated 60 days will be sufficient. A resolution extending the time will be placed on the September 28, 2009 Commission agenda.

1. COMP PLAN DISCUSSION

Mr. McCollum distributed a Future Traffic Circulation Map that has not been included in the draft amendments.

Misty Servia, Director of Planning for King Engineering and on behalf of Bill Manfull, requested that Commission consider a way to permit an R. V. Resort category. She stated Mr. Manfull is considering developing this type of resort, which, if approved by Commission for development in the City, would be the first on the west coast of Florida. The resort would offer the finest amenities and would cater to motor coaches; travel campers would not be allowed. Mr. McCollum stated it is possible the category could be established in the UP district.

Commission discussed the latest version of the Comp Plan and made the following comments or amendments:

The correct definition for Urban Planning (UP) will be included in the Definitions (UP was previously referred to as PD (Planned Development)); PD is a zoning category allowed in districts other than PD; therefore, Attorney Barnebey recommended the PD term in the Comp Plan be changed.

Commercial Core allows up to 45 units per acre (previously 14); PD districts currently allows up to 45 units per acre by virtue of Ordinance 06-898 adopted November 10, 2006. Attorney Barnebey informed Commission the ordinance has not been incorporated into the current Comp Plan.

Ordinance 07-930 adopting the Downtown Design Guidelines is a tool that implements the provisions of the Comp Plan, and is not a provision of the Comp Plan. The densities listed in the Guidelines do not supersede the Comp Plan. It was consensus of Commission that the Downtown Design Guidelines will be amended to require Commission approval for density exceeding 14 units per acre. As a follow up to the Comp Plan amendment, the Downtown Design

Guidelines will be brought back to City Commission with the zoning portion of City ordinances so the documents can be made consistent with the Comp Plan. Attorney Barnebey confirmed the Waterfront Plan and Downtown Design Guidelines are an ordinance and have an impact similar to the Zoning Code provisions.

Policy 1.9.4 was corrected to read: The UP land use category requires a PD zoning. Attorney Barnebey stated Commission can develop a policy requiring PD zoning for any category when the density exceeds a set density number per acre.

Attorney Barnebey suggested that the uses at Regatta Pointe should be looked at to ensure that the current uses on site are allowed. Commissioner Zirkelbach suggested that a complete review of the Regatta Pointe project should be undertaken.

HCOMIND: The policy prepared by the consultant, and included in the Code, states that a discontinued HCOMIND use in the Commercial Core becomes non-conforming. It has been suggested that those uses that are discontinued or uses proposed to be expanded should require Commission approval of a conditional use permit. Commission concurred.

Policy 1.14.2 was amended to read: Assist to determine appropriate school sites.

Commission agreed to amend task due dates in the Comp Plan so that no date certain occurs before the 31st of stated years, and that no date occurs before December 31, 2010. All the due dates contained in the document will be calendared.

The Future Land Use Designation Summary chart was discussed. GCOM maximum density/intensity was corrected to 6.0 in the Future Land Use Designation Summary chart. Charlie Ugarte, P&Z Board member, discussed reasons for why the P&Z Board recommended the numbers. He discussed his opinion that mass transportation cannot occur without density, and the Comp Plan establishes necessary tools to accomplish the growth. Discussion ensued on the fact that projects in the Commercial Core will not require Commission approval and the proposed 45 du/Gross Acre density, and the impact the additional traffic will have on the City. It was consensus of Commission that a tool must be included in the Comp Plan that allows Commission to review and set conditions and approval of projects with a 45 density. Mr. McCollum suggested that a policy be established by Commission that requires special approval for projects with a density exceeding 14 units per acre and a 1.0 FAR. Commission concurred.

Attorney Barnebey recommended that "Special" needs to be better explained in the PU category. He also recommended that recreation and recreational support uses be included in the PU district.

Chris Moquin, P&Z Board member, commented on the need to correct the COMC definition of the boundaries located within the CHHA to read: 5th Street West to the Manatee River and 10th Avenue West to 11th Avenue West. Commission concurred.

Mr. Moquin spoke of the land between Riverside Dr. and the Manatee River. Attorney Barnebey confirmed the current site has a PU designation, which does not allow residential use; the map shown to Regatta Pointe Condominiums showed an incorrect designation of GCOM. The Comp Plan designation will be GCOM, which will not allow additional residential uses on the site. Attorney Barnebey confirmed there was no intention to make changes to the nature of the PD designation, just the name change to PU.

The definition for Density was amended by deleting "the number of people".

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The definition for Farm Worker Housing will be looked at and made consistent with the Zoning Code.

The definition of Public Facility was amended to Public Service Facility.

The definition of GCOM will be amended by the addition of Mixed Use.

Public Use Category (PU) will be looked at because of the inconsistency of the definition with the Land Use Category.

It was consensus of Commission to request proposed language from Ms. Servia regarding the proposed RV Resort. Commission discussed the fact that some existing mobile home parks have areas for RVs.

The definition for Hurricane Shelter will be conformed to match the language in section 8.4.3 of the Comp Plan.

Attorney Barnebey informed Commission municipalities are not required to have concurrency any longer; it is optional how to handle the matter. It was consensus of Commission to address the issue at the next workshop. Commission will be provided a new, clean version before the next workshop.

A list of the dates from the Comp Plan will be provided Commission, as well as Mr. McCollum's chart and a copy of the current map.

Meeting adjourned at 9:10 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
September 28, 2009 4:30 p.m.

Elected Officials Present:

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

Staff Present:

Mark P. Barnebey, City Attorney
James R. Freeman, City Clerk
Chief Garry Lowe
Tom McCollum, Interim City Planner
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.

1. REPRESENTATIVE BILL GALVANO – LEGISLATIVE UPDATE

Representative Galvano briefly discussed items that occurred during the last legislative session.

2. DISCUSSION: COMMISSION AND CRA BOARD MEETING SCHEDULE

It was consensus of Commission to request the Planning and Zoning Board to move their meetings to a night other than Monday. Commission elected to keep the CRA Board meeting as part of the first monthly Commission meeting. It was confirmed by Commission and staff that agenda material shall be submitted to the City Clerk's office by close of business the Monday preceding each Commission meeting date.

3. DISCUSSION: COMP PLAN SCHEDULE

A Comp Plan workshop was scheduled for October 26, 2009 at 6:00 pm. Mr. McCollum confirmed that no request was received from anyone from Regatta Pointe Marin regarding the change of land use designation on the site. He stated he suggested the change from public to commercial because of the existing commercial use on the site. He confirmed the designation has been returned to the public designation.

A clean "as is" version of the Comp Plan will be available by the October 26, 2009 workshop. Future workshops will be scheduled at a later date.

Meeting adjourned at 5:30 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
September 28, 2009 7:00 p.m.

Elected Officials Present:

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

Staff Present:

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

Mayor Bryant called the meeting to order at 7:00 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

PROCLAMATION: MTI Day September 30, 2009
Accepting: Mary Cantrell, MTI Director
Maura Howl, Grants and Public Relations Specialist
Manatee Technical Institute

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the September 28, 2009 7:00 pm Agenda, with a time certain end of 10:00 pm.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: September 14, 2009
- B) Kirk Pinkerton Special Litigation
- C) Special Function Permit: Fall Art Show
- D) Sarasota/Manatee MPO Tamiami Trail Brownfields Revitalization Initiative Coalition

Item C was removed for discussion.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items A, B and D of September 28, 2009 Consent Agenda.

Item C: Gretchen Leclizio, Palmetto Art Center, confirmed Palmetto Guest Home and Ugarte & Associates had been notified of the Art Show.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the Fall Art Show to be held October 10, 2009 from 5:00 pm – 9:30 pm.

3. PUBLIC HEARING – FINAL MILLAGE RATE AND FINAL 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% and reviewed the final budget amounts contained in each Fund.

Mayor Bryant closed the public hearing after no public comment.

RESOLUTION NO. 09-37 (read in its entirety)

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

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-37.

RESOLUTION NO. 09-38 (read in its entirety)

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

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 09-38.

4. RESOLUTION NO. 09-43

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN EXTENSION OF TIME FOR COMPLETION OF THE CHARTER REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

Co-chair Frank Brunner informed Commission a comprehensive review of the Charter has been completed and the attorney will prepare a draft.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-43.

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 FUTURE LAND USE 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.

Mayor Bryant reopened the public hearing continued on September 14, 2009 to consider transmittal of Ordinance No. 09-995. After no public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize transmittal of Ordinance No. 09-995 to the State of Florida Land Planning Agency.

6. 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.

Darenda Marvin, Planner for Grimes, Goebel Grimes, Hawkins, Gladfelter & Galvano, and speaking in favor of the ordinance, informed Commission that pursuant to comments during the City Commission and Planning & Zoning Board public hearings, additional criteria to allow recreation and amusement services as a permitted use have been proposed, which will allow certain indoor uses as permitted.

Attorney Barnebey confirmed the noise ordinance will apply to all uses in the City.

Mr. McCollum stated that the proposed indoor/outdoor definition separation is consistent with what other municipalities have approved. He also stated that he had been unable to find any other areas that had established distance requirements for like businesses. Attorney Barnebey recommended that objective criteria should be developed if Commission desires to establish such criteria.

Attorney Barnebey suggested that Section 2, paragraph B of the proposed ordinance could be amended by adding "Recreation and Amusement Services shall be prohibited in all other zoning districts." to further clarify the language.

Representatives from Hungry Howies spoke in opposition of the ordinance, citing the lack of parking (their non-exclusive, first come first serve basis) and their opinion the site is not zoned properly for the proposed bingo hall use.

Mr. McCollum and Attorney Barnebey explained the text amendment as the issue Commission should consider to adopt/deny the ordinance. Mr. McCollum discussed the parking analysis for any change in use on the property under discussion that must be performed before any permit can be issued. Attorney Barnebey confirmed that if a permitted use complies with the permitted use criteria and the current Code, an application can move forward. If it is a conditional use then the application would have to comply with conditional use criteria and be approved by City Commission. He stated bingo would probably be an assembly use, which is allowed only in the CHI zoning district in the current Code.

Caleb Grimes addressed Commission on the suggestion that if the use is an indoor use and meets the established criteria, it should be a permitted use, and then must meet the balance of Code requirements. Conditional use should be assigned to uses outdoor and uses next to residentially zoned areas. He requested Commission amend the Code so it is known where recreational and amusement services can be located, and allow indoor permitted uses and conditional uses, so long as they meet established criteria.

Each Commissioner discussed their opinion of what type of use the indoor and outdoor amusements should be assigned. The possibility of requiring a permitted use to go to the Development Review Committee before issuing a permit was also discussed.

Attorney Barnebey again confirmed that the ordinance can be amended with the addition of "Recreation and Amusement Services shall be prohibited in all other zoning districts."

Mayor Bryant closed the public hearing.

MOTION: Commissioner Varnadore moved and Commissioner Cornwell seconded to adopt Ordinance No. 09-999, as amended with the additional sentence suggested by Attorney Barnebey.

Discussion: Attorney Barnebey confirmed that the recreation and amusements services will be allowed as conditional uses only in the CHI and CG zoning districts.

Motion on the floor carried 3-2. Commissioners Williams and Zirkelbach voted no.

7. PUBLIC HEARING: 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.

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

MOTION: Commissioner Zirkelbach moved and Commissioner Cornwell seconded to adopt Ordinance No. 09-1000.

Discussion: Ms. Cornwell suggested that the definition of the access point of a public street should be better defined. Attorney Barnebey recommended amending the language to read "at the starting point of the pavement of the nearest public street". It was confirmed that some businesses may now become non-conforming. Review of the other portions of the alcohol ordinance will be performed at a later date.

Motion on the floor carried 5-0

8. CODE ENFORCEMENT BOARD APPOINTMENT APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the appointment of Vincent T. "Tom" DeVito, Jr. to the Code Enforcement Board and Nuisance Abatement Board for a term ending January, 2011.

9. RESOLUTION NO. 09-39

Budget amendment for the wastewater treatment plant repair and rehabilitation project.

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, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-39.

10. RESOLUTION NO. 09-40

Budget amendment to fund the Medical Reserve Fund.

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, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 09-40.

11. RESOLUTION NO. 09-41

Budget amendment to record the sale of City and CRA properties and to transfer funds to Capital Projects.

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 and Commissioner Lancaster seconded to adopt Resolution No. 09-41.

Discussion: Mr. Freeman stated the resolution established the budget to record the proceeds from the sale of the properties by the CRA and the City. CRA Interim Administrator Jeff Burton informed Commission the CRA Advisory Board will consider using a portion of the proceeds from the sale of the CRA property to pay back the CRA line of credit used to purchase the property. The CRA Board will then consider a budget amendment.

Motion on the floor carried 5-0.

12. 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 and Mayor Bryant informed Commission the deed transferring the property to the CRA was never recorded, thus the property is City owned.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to executed the PBS&J Work Assignment No. 1, Edenfield Property-Site Assessment, COP Job No. 93-142, in an amount not to exceed \$7,543.

13. MEMORANDUM OF UNDERSTANDING APPROVAL

Memorandum of Understanding between the law enforcement agencies of Manatee County for the purpose of sharing radio communications.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve and authorize the Mayor and Chief of Police to execute the Memorandum of Understanding, as presented.

14. SCHOOL RESOURCE OFFICER CONTRACT APPROVAL

MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to approve and authorize the Mayor and City Clerk to execute the School Board of Manatee County School Resource Officer contract.

Discussion: Commissioner Williams requested a breakdown of what the contract funds. The total for salary and benefits for the two officers would be approximately one-half of the cost. Attorney Barnebey corrected Section 2A to read June 30, 2010. Chief Lowe confirmed that the officers are only assigned to the school when students are present.

Motion on the floor carried 5-0.

Attorney Barnebey asked that the motion be reconsidered because of the indemnification clause for the City he had not had time to review. He suggested the motion to approve be contingent upon legal review.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to reconsider the last action.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor and City Clerk to execute the School Board of Manatee County School Resource Officer contract upon review of the City Attorney, in particular the review of the indemnification provision.

15. NEW JOB DESCRIPTION APPROVAL AND POSTING APPROVAL

Mr. Burton discussed the proposed job descriptions. Strategic Plan Specialist and GIS Specialist will be part-time. Attorney Barnebey informed Commission that all the positions will be City employees and funded by the CRA.

Discussion ensued on contracting out the Strategic Plan and GIS Specialist positions, and the fact a determination concerning a CRA Director has not yet been made. Commissioner Cornwell commented on the educational requirements for the Recreational and Facilities Coordinator. Mr. Burton acknowledged the job position has been revised since distribution. After discussion of the Recreational and Facilities Coordinator, Mr. Burton removed the job description for further clarification.

Staff confirmed all the positions will be properly posted.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-1 to approve the Community Redevelopment Area Strategic Plan Specialist, Community Redevelopment Area Geographic Information System Specialist and authorize posting of the positions. Commissioner Cornwell voted no.

16. 1st READ & ADVERTISING APPROVAL-ORDINANCE 09-997

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PERTAINING TO THE AMENDMENT OF THE PROVISIONS RELATING TO THE REQUIREMENTS FOR AND ISSUANCE OF SPECIAL FUNCTION PERMITS; UPDATING CODE LANGUAGE FOR INTERNAL CONSISTENCY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The ordinance will be brought to the October 5, 2010 workshop to clarify insurance requirements.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to approve for advertising and schedule a public hearing for October 19, 2009.

17. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Mr. Tusing informed Commission that a public meeting will be necessary because of the movement of the road, which will delay bidding the project. Informed Commission that in response to the recent newspaper article, he has contacted Mr. Preston, and reported he is not willing to discuss the property at 8th Avenue and 33rd Street. He stated he will continue in the direction approved by Commission, and any deviation from the present plan will negatively impact the anticipated timeframe.

18. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

Updated Commission on the status of the new elementary school project.

Displayed a sample of stainless steel from the plates of the rag remover elevator at the wastewater treatment plant head works machinery showing the effects of hydrogen sulfide gas on machinery. Mr. Tusing reported to replace the plates cost \$33,000. The budget is funded, as there has been savings on other projects.

Referring to the newspaper article, Commissioner Varnadore stated she wants a commitment in writing from Manatee County as to how much funding they are committing to the ball fields project. Mr. Tusing stated the County Commission will consider the item at a time certain on October 6, 2009, and he hope a formal commitment will be made at that time. Mayor Bryant spoke of the funding the School Board should also contribute. Discussion ensued on the path the City should pursue should there be no commitment from Manatee County and the School Board. Commissioner Williams stated if there is no written commitment from the School Board and Manatee County, the City should not move forward with expending any funds on the project, and a survey of the populace should occur on spending their tax dollars to fund the project that should be built by Manatee County. Commissioner Lancaster stated that the Commission has committed to the ball fields and would not support totally withdrawing from the project; she does want to receive a written commitment.

Mr. Freeman

Reported that Commissioner Varnadore has filed a Form 8B for her voting conflict during the CRA meeting September 14, 2009; Commissioner Lancaster has also filed a Form 8B for her voting conflict during the Commission meeting on September 14, 2009.

Chief Lowe

An arrest has been made on the ATM robbery.

19. MAYOR'S REPORT

The taping of Fox 13 Fox on Your Block will be provided.

The community has raised \$8,500 towards the purchase of the new K-9 unit.

20. COMMISSIONERS' COMMENTS

Mr. Tusing will report on the minor flooding at the Boys & Girls Club site at the next meeting.

Commissioners deferred their comments until the next meeting.

21. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 10:05 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
October 5, 2009 4:30 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner

Staff Present:

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

Vice Mayor Williams called the meeting to order at 4:30 pm. He stated that if time permits, the CRA job position will be brought down for discussion.

1. PRESENTATION: MINUTES SOFTWARE

Mr. Freeman informed Commission the proposed minutes and agenda software package is funded in the FY 2010 budget. He confirmed he has researched the topic, and recommends BIS Digital because the approximate \$7,000 price is the most cost effective he has found for the functionality of the product. Jordan Dozier of Business Information Systems (BIS Digital) demonstrated the system, which has the capability of becoming a portable system and can be video integrated at a future date. He confirmed that there will be an annual maintenance/support fee that will be approximately \$1,000 per year. Commission agreed to moving the item forward to the 7:00 Commission Consent Agenda for approval.

2. DISCUSSION: ESTUARY PARK GRANT

Mr. Tusing removed the item from the agenda, stating it will be placed on the October 19, 2009 workshop.

3. DISCUSSION: SPECIAL FUNCTION PERMIT

Mr. Freeman highlighted the changes that were made based on previous discussions. Changes from the previous version of the proposed ordinance include:

- Removing the language indicating building capacity can be exceeded
- Removing requirements for special events on private property
- Amended the attendance threshold for outdoor events from 50 to 100, and where no building capacity has been established

Discussion ensued on the insurance requirement for all events taking place on City property and the Special Events Policy the City has carried that will allow the purchase of insurance through the City. Commission must make the decision to renew or cancel the policy. Options discussed included:

- Insurance is required for all events utilizing a Facility Use Agreement and events utilizing a Special Function Permit
- A tiered fee schedule to subsidize the Special Events Policy, reflecting a nominal fee for City residents vs. a higher fee for non-City applicants, keeping the fees affordable but protecting the City
- No special function permit for events less than the 75 attendance threshold for indoor events where a building capacity has been established
- Creation of a Commission policy regarding the waiver of insurance for events;

Commission directed staff to amend the proposed ordinance to reflect:

1. The attendance threshold will be lowered to 75 from the recommended 100
2. Insurance will be required across the board for outdoor events with an expected attendance over 75 and for indoor events with an expected attendance over 75 or where no building capacity has been established

The item will be brought back to the October 19, 2009 workshop meeting.

Meeting adjourned at 6:00 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
October 5, 2009 7:00 p.m.

Elected Officials Present:

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

Staff Present:

Mark P. Barnebey, City Attorney
Jeff Burton, CRA Interim Administrator
James R. Freeman, City Clerk
Chief Garry Lowe
Tom McCollum, Interim City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm. A moment of silence was observed, followed by the Pledge of Allegiance

PROCLAMATION: Habitat for Humanity Day October 5, 2009
Diane Shelly, Board Member
Catherine Ferrer, Fundraising Programs Manager

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant suggested amending the agenda with the removal of item 2D from the Consent Agenda for further discussion and the addition of the Palmetto High School Homecoming Parade Special Function Permit.

MOTION: Commissioner Varnadore moved and Commissioner Zirkelbach seconded to approve the October 5, 2009 7:00 pm agenda.

Discussion: Commissioner Williams requested that item #7, New Job Description and Posting Approval for the CRA position be removed from the agenda and placed on a workshop agenda for discussion of the topic, as there is no City budget for the position. Mr. Burton discussed like positions that are funded by the CRA but perform work City-wide. There are plans to meet with the department heads to discuss the known funding discrepancies, and requested that the position be approved with the caveat that the accountability on all the positions will be brought back to Commission. Commissioners Cornwell and Lancaster discussed their reasons for supporting the request. Commissioners Varnadore and Zirkelbach preferred leaving the items on the agenda for discussion. Mr. Burton requested that the item be removed.

Motion on the floor failed 3-2. Commissioners Cornwell, Lancaster and Williams voted no.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 3-2 to approve the agenda with the removal of item 2D from the Consent Agenda for discussion, the addition of the Palmetto High School Special Function and the removal of item #7 to a future workshop. Commissioners Varnadore and Zirkelbach voted no.

Mayor Bryant requested that Mr. Burton remain for the CRA meeting so an amendment to the Storefront Grant Program can be discussed.

2. CITY COMMISSION CONSENT AGENDA

- A) Special Function Permit: First Baptist Church Fall Festival
- B) Family Resources-Manatee Interagency Agreement
- C) BIS Digital minutes software purchase (brought forward from Workshop meeting)
- D) Estuary Park Grant-Kimley Horn engineering project (brought forward from Workshop meeting)

MOTION: Commissioner Zirkelbach moved and Commission Cornwell seconded and motion carried 5-0 to approve the October 5, 2009 Consent Agenda, with the deletion of item 2D for discussion, addition of Palmetto High School Homecoming Parade Special Function Permit, and removal of item 2A for discussion.

Item 2A

Commissioner Williams commented on the date of submittal of the Special Function Permit being less than the required 30 days prior to event, and suggested that in the future Commission should be notified of applications that have been submitted within the 30 day requirement. There was no Commission discussion regarding the suggestion.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the First Baptist Church Fall Festival Special Function Permit.

Item 2D

Mr. Tusing informed Commission the Estuary Park Grant is a FRDAP Grant, which is under a strict completion timetable. It has been determined that the previously submitted plan that has been approved by FRDAP for the realignment of 7th Street on the site will not work because of the wetlands and jurisdictional boundaries. He requested the Commission approve Task 1 of the grant, which encompasses development of the conceptual site plan modification, and meetings with the agencies regarding the plan. He proposed that Kimley-Horn Engineering complete Task 1 in an amount of approximately \$4,965. He assured Commission that the modified conceptual plan will be brought to them for approval before it is submitted to any agencies. Plans for the balance of the project will be brought to Commission at a later date.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the conceptual design, Task #1 portion of the Estuary Park, Kimley Horn engineering project.

3. RESOLUTION NO. 09-42

Mr. Freeman commented on the previous Commission action approving the \$104,000 engineering fees in the CIP for this project. This budget amendment resolution will now establish the budget so expenses expended to date on the 23rd Street realignment project can be paid.

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 and Commissioner Zirkelbach seconded to adopt Resolution No. 09-42.

Discussion: Mr. Tusing described the work that has been completed to date and stated the \$104,000 will be fully expended by the time the project is ready to be bid in November. Discussion ensued on the lack of written commitment for funding by Manatee County and the School Board for this project. Mayor Bryant stated the topic will be heard by the County Commission on October 6, 2009, and there should be a clear indication of the agencies intent after the meeting.

Mr. Tusing informed Commission that the federal stimulus dollars that were going to fund the project may be in danger. The realignment of 23rd Street to the north moves the road closer to the mobile home park, and the federal agencies are not willing to proceed with the project as planned unless the intersection is moved back to its present location; if one complaint is received during construction, he has been advised that the funds will be pulled and the City will have to reimburse the funds. He is now working to try to replace the federal funds with state funds and has received confirmation that the stimulus funds may be moved back to the original Haben Blvd. project. Mr. Tusing stated he is setting meetings with the state legislatures to discuss the topic. Mr. Tusing confirmed that the only reason the road is being realigned is to accommodate the ball fields.

Motion on the floor carried 5-0.

4. RESOLUTION NO. 09-44

FY 2010 budget amendment to record acceptance of the Palmetto Mobile Technology Improvement Project grant funds.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 09-44.

5. EDWARD BYRN MEMORIAL JUSTICE ASSISTANCE GRANT

Acceptance of the FY09 Edward Byrne Memorial Justice Assistance Grant Program and FY2010 budget amendment to record the grant funds.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to accept the FY09 Edward Byrne Memorial Justice Assistance Grant in the amount of \$28,253.

RESOLUTION NO. 09-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-45.

6. ZNS ENGINEERING CONTRACT EXTENSION

Staff requests approval of a six month extension to the ZNS Engineering contract expiring October 15, 2009 and approval of the proposed fixed Planning Services fee. An RFP for engineering services is being developed for the bid process.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to extend the ZNS Engineering Contract until April 15, 2010 at the current scope and level of service, and to approve and authorize the Mayor to execute the Amendment of Contract for Planning Services setting the General Planning Services at a fixed monthly rate fee of \$4,150, and have Tom McCollum as the General Planner.

7. NEW JOB DESCRIPTION AND POSTING APPROVAL (J. Burton)

Revised job description pursuant to comments from the September 28, 2009 Commission review. Item removed from the agenda.

8. PROPOSED STOP SIGNS

The Police Department seeks authorization to have a traffic study performed for the placement of new stop signs on the northbound and southbound lanes at the intersection of 9th Ave. W. and 15th St. W.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to authorize a traffic study for the placement of stop signs at 9th Ave. W. and 15th St. W.

9. LEX'S AUTOMOTIVE CONTRACT RENEWAL (Chief Lowe)

Chief Lowe requested approval of the annual renewal of the Police Department's fleet maintenance contract at the same level of service and price as the 2008 contract. Mr. Freeman confirmed the line item in the budget is \$65,000. Chief Lowe confirmed that last year the contract was for \$55,000.

MOTION: Commissioner Zirkelbach moved and Commissioner Williams moved to approve the renewal of the Agreement for Automobile Maintenance and Repair Services with Lex's Automotive and 4-Wheel Drive Repair, Inc. for a term ending September 30, 2010, pursuant to terms and conditions of the contract effective October 1, 2008, not to exceed \$65,000.

Discussion: Mr. Tusing stated some in-house services can be provided. Tanya Lex estimated that expenses paid to date are in the \$32,000 to \$38,000 range, but the budget amount also includes a contract for tires through Goodyear and accident repair. Mr. Freeman suggested setting a not to exceed an amount of \$45,000 and if additional funds are needed the item will come back to Commission for approval.

Commissioners Zirkelbach and Williams modified their motion to reflect a not to exceed amount of \$45,000. Motion carried 5-0.

Mayor Bryant adjourned the meeting at 8:35 pm to open the CRA meeting.

Mayor Bryant reconvened the meeting at 8:50 pm.

10. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)
Discussed under item #3.

11. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Referring to the technical grant approved this evening for the Police Department, Mr. Freeman informed Commission he is in conversation with Manatee County to see if the City can leverage their dispatch and I-mobile software to determine if there is the ability to enhance the efficiency of the City's system.

The CIP will be placed on a future agenda.

Reported the mini-notebook computer on display will be utilized for Commission.

Attorney Barnebey

Confirmed the City owns the dirt being excavated from Hidden Park retention are for the school expansion project, and it does have monetary value. Mr. Tusing confirmed the City also owns the dirt on 23rd Street.

Commissioner Cornwell departed the meeting at 9:00 pm.

12. MAYOR'S REPORT

Commented on the technology approved that will improve the agenda and minutes process and the Commission's mini-notebooks.

The funds were raised for the K-9 unit.

Stated that the department heads and staff have accomplished a lot, in spite of the workload.

13. COMMISSIONERS' COMMENTS

Ms. Varnadore

Complimented the staff on the jobs being done, and stated her comments are not meant to be taken by the staff on a personal level.

Mr. Williams

Echoed Ms. Varnadore's comments regarding staff's performance.

Discussed his opinion that when a sworn officer's position is not funded in the budget, it should be removed.

Chief Lowe discussed why the department was purchasing extra stingers.

Mr. Zirkelbach

Referring to Ms. Cornwell's comments regarding the conceptual approval process and his personal appearance before Commission as an applicant for conceptual approval and then expending funds only to be denied, he stated the process is something that needs discussion; it can be a difficult process and can be discouraging to developers.

Referring to the alcohol ordinance and Mr. Freeman's comment regarding the date when the item would be placed on the agenda only to have it appear on an earlier date, he suggested that for the public, comments regarding agenda item schedules should be considered. Commission explained why the item appeared earlier than anticipated.

Referred to the editorial on the City's speed zones in the City. He suggested it may be better to develop a uniform speed zone and appropriate signage for 8th Avenue and the side streets. Chief Lowe stated he will speak with FDOT regarding the issue.

Complimented the mini-notebooks.

Mrs. Lancaster

Agreed to fill the vacancy on the MCAA, formerly the MOC until a replacement is appointed. Stated that correspondence must be sent or the City will lose the position. Mayor Bryant stated it is her intent that a permanent appointment will be submitted for approval when the CRA position under discussion is approved and filled.

14. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 9:20 pm.

Minutes approved:

James R. Freeman
City Clerk