

**TAB 1**

**DRAFT**  
**PALMETTO CITY COMMISSION**  
**WORKSHOP AGENDA**  
**January 4, 2010 – 4:30 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Brian Williams, Vice Mayor, Commissioner, Ward 3  
Alan Zirkelbach, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Garry Lowe, Chief of Police  
Tom McCollum, Interim City Planner  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm.



1. HOUSING UPDATE 2010

Pursuant to requirements of Article III, Attainable Housing, Mr. McCollum provided an update on the current total residential units and expected residential units that will be constructed in the City in the next five years. A copy of his analysis is attached hereto and made a part of these minutes. Based on the information gathered for his analysis, Mr. McCollum recommended that the City should remain in a voluntary period for attainable housing units.

Mr. McCollum recommended that the Commission should instruct the City Planner to review the information again in 2012, as current Census data will be available and conditions may be different than today.

Mr. McCollum also opined that the Planner and City Attorney should review the language of the ordinance. He suggested the current language places the Planner in charge of determining the voluntary/mandatory periods. He opined the Planner should make recommendations to Commission regarding the topic. He also opined the complex provisions in the ordinance make it very difficult to properly administer the ordinance.

Discussion ensued on if the City is in a voluntary or mandatory period. McCollum confirmed he is not sure if the City is technically in a voluntary period; housing coming in has all been classified as attainable units. Under requirements of the city code there should be a finding if in a voluntary period.

Commissioner Varnadore stated her understanding that the City is still in a mandatory period. Her concern in going to a voluntary period is due to the limited vacant land in the city; developers will be under no obligation to comply with furnishing attainable housing units. She opined that if the City goes to a voluntary period, the ordinance becomes a moot point.

Commissioner Varnadore requested to know if any certificates have been issued or if the program was ever implemented. Mr. McCollum stated the only project he has located is Sanctuary Cove, which is responsible for 116 attainable units, which can be offsite. 7<sup>th</sup> Ave. Cottages indicated in their approval that all six units will be attainable housing. Holy Cross Manor II units are attainable, albeit they are rental units.

Attorney Barnebey read the provision of the ordinance dictating when a period shall be mandatory. He stated that it appears the ordinance intends that after January 1, 2010, if the number of attainable units meet or exceed 15%, it shall be a voluntary period. He further opined the type of period does not appear to be tied to Commission approval; once the established

threshold number is met the period is determined by the ordinance. He opined the City is probably in a voluntary period as of January 1, 2010.

Mr. McCollum was instructed to confirm when the approval period expires for the 7<sup>th</sup> Ave. Cottages project, and to determine if the Sanctuary Cove development order specifies the number of units they must construct.

Discussion ensued on the number of homes for sale in the City that fall within the established price range. Mr. McCollum opined that approximately 50% of homes for sale in the 34221 zip code are under the \$201,000 limit. Commissioner Williams opined that HUD homes should not be included in the analysis, as they are not homes for sale.

Commissioner Zirkelbach voiced his opinion that the ordinance only applies to new houses; no data has been gathered of the entire city to determine how many homes fall under the threshold. He opined the situation is a "market driven problem, not governmental" and suggested only one segment of the development community was affected. He further discussed the "flipping" of the attainable units and inquired what will happen once out of a developer's control.

Mayor Bryant stated that more data is needed before a decision can be made.

Attorney Barnebey suggested that it is appropriate for Commission to look at if the ordinance is needed. He reiterated that regarding the language of the ordinance as currently written, if at January 1, 2010 the number of attainable housing units is below 15%, the City probably is in a mandatory period. If that is not occurring and there are more than 15% attainable units, then the City is in a voluntary period. Commission does not make the determination of which period is applicable, Commission approves the median household income threshold, which was not updated in the last year.

Attorney Barnebey confirmed Sanctuary Cove will be required to comply with ordinance based on the project's 2008 approval. He was asked to determine the legal ramifications to Sanctuary Cove should the ordinance be abolished.

The topic will be brought back to the January 25, 2010 workshop.



## 2. REGATTA POINTE SUBLEASE SECOND AMENDMENT

Attorney Barnebey informed Commission the second amendment to the Regatta Pointe Sublease will accomplish the following:

1. Clarifies and confirms the legal description to ensure consistency between the sublease agreement and the Submerged Land Lease between the City and DEP;
2. Clarifies responsibilities pertaining to the calculation and payment of compensation for the Submerged Land Lease, to ensure payment during the renewal term is in the same manner that the City is required to comply under the lease;
3. Permits the 2nd and 3rd floors of the restaurant to be used as a banquet hall;
4. Clarifies the notice requirements.

Attorney Barnebey stated all other terms of the existing lease remain the same.

Discussing the parking issue, Attorney Barnebey opined that because the City has issued permits for the site's current facilities, it must be assumed Code parking requirements were met. Commissioner Zirkelbach referred to the proposed downtown parking plan that has been submitted, wherein the City can develop approximately 80 additional parking spaces simply by re-striping existing spaces.

Mr. Freeman explained that the advantage to amending the legal description of the Agreement to include the breakwaters is to ensure the actual square footage is equal to what the sublessee

currently pays, which already is calculated on the breakwaters. Mr. Tusing opined that with the breakwaters being included, the sublessee will be responsible for any necessary repairs.

Attorney Barnebey confirmed that there can be a revision #2 Legal Description to require that Schedule 1 be attached and incorporated into the amendment.



### 3. DISCUSSION: DRC AUTHORITY

An Attorney General Opinion suggests that a Development Review Committee (DRC) can become a sunshine body when they have been delegated certain things. City Code delegates authority to the DRC to make final decisions.

Attorney Barnebey suggested that if the DRC is a sunshine body, then the members of the committee cannot talk to one another regarding the projects that will come before them. He recommended decentralization of the DRC as a body, but still allow input from the department representatives on decisions. When the DRC meets, Commission can be provided with reports and considerations from the various departments regarding projects being reviewed.

An ordinance will be brought back pertaining to the DRC and Sections 7 and 26.



Attorney Barnebey referred to a letter from Mr. Katsamakias regarding the Conditional Use Permit for 314 8<sup>th</sup> Ave. W. The letter refers to original approval restrictions regarding repair on site and test driving on City streets. Attorney Barnebey and Mr. McCollum will review the topic and bring it back with recommendations.

Meeting adjourned at 5:55 pm

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT  
PALMETTO CITY COMMISSION  
JANUARY 4, 2010 - 7:00 PM**

 *Call to order*

***Roll Call.***


Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney  
Jeff Burton, Interim CRA Administrator  
Jim Freeman, City Clerk  
Garry Lowe, Chief of Police  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Moment of Silence, followed by the Pledge of Allegiance.

 Chief Lowe Presentations: Police Department Employee of the Year Larry Gabbard  
Officer of the Year George Donahue

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 Lancaster moved and Commissioner Cornwell seconded to approve the January 4, 2009 7:00 PM Agenda.**

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tambra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

 2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: December 21, 2009
- B) Kirk Pinkerton Special Litigation
- C) Special Function Permit: Palmetto Riverside B&B
- D) Postage Meter Lease Acceptance (Public Works)
- E) Pyrotecnico Contract Renewal (Fireworks display)

**MOTION: Commissioner Varnadore moved and Commissioner Lancaster seconded to approve the January 4, 2010 Consent Agenda.**

Commissioner Cornwell removed item 2C for discussion.



**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

**Yes:** Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tamba Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

**Action Request:** Motion to approve the January 4, 2010 Consent Agenda.



**2C: Special Function Permit:**

Commissioner Cornwell inquired how patrons will get to restaurant during dinner hour. Mr. Tusing stated Riverside Drive will only be closed from 11<sup>th</sup> Ave. to 12<sup>th</sup> Ave. and individual can access their homes on 12th Ave. off of 4<sup>th</sup> St. If problems arise during the January 9, 2010 event, Commission can rescind the May event approval.

Wim Lippens, the owner/operator of the Bed & Breakfast confirmed his only neighbor on Riverside Drive had been notified of the event and had no objections.

**MOTION:** Commissioner Cornwell moved and Commission Williams seconded to approve item 2C.



**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

**Yes:** Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tamba Varnadore, Commissioner, Alan Zirkelbach, Commissioner.



**3. PUBLIC HEARING: ORDINANCE 2010-02**

AN ORDINANCE OF THE CITY OF PALMETTO AUTHORIZING THE CITY CLERK, PURSUANT TO THE CITY'S RISK MANAGEMENT AND INSURANCE PROGRAM, TO SETTLE CERTAIN CLAIMS MADE AGAINST THE CITY OF PALMETTO; PROVIDING FOR THE AUTHORITY OF THE CITY CLERK TO AUTHORIZE THE ISSUANCE OF SETTLEMENT CHECKS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Barnebey confirmed changes discussed at the last meeting had been made and the ordinance contained language requiring Commission approval after a \$30,000 accumulated amount during any fiscal year.

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



**MOTION:** Commissioner Cornwell moved and Commissioner Zirkelbach seconded to adopt Ordinance No. 2010-02.



**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

**Yes:** Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tamba Varnadore, Commissioner, Alan Zirkelbach, Commissioner.



**4. 2010-2014 CAPITAL IMPROVEMENT PROGRAM**

Consideration of the topic tabled at the December 21, 2009 meeting. Mr. Tusing reported funding for telemetry meters has been removed for 2010; all other projects remain the same. The 2010-2014 Capital Improvement Program totals \$6,394,546.

**MOTION:** Commissioner Cornwell moved and Commissioner Zirkelbach seconded to approve the 2010-2014 Capital Improvement Program.

Discussion: Mr. Tusing confirmed that contracts for CIP projects require Commission approval. With respect to the telemetry meter contract, it was approved by Commission November 5, 2007 in the amount of \$100,000. The City has expended \$64,000 on telemetry meters to date. Mr. Tusing reported he has researched further funding; he will wait until he has had time to evaluate the larger meters that have been installed. Operating budget contains \$40,000 for replacement meters, which will be replaced by telemetry meters, and maintenance.



**Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).**

**Yes: Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tandra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.**

Mayor Bryant recognized County Commissioner Carol Whitmore.



**5. REGATTA POINTE SUBLEASE SECOND AMENDMENT AND CONSENTS**

As discussed at the 4:30 meeting, Attorney Barnebey informed Commission the second amendment to the Regatta Pointe Sublease will accomplish the following:

1. Clarifies and confirms the legal description to ensure consistency between the sublease agreement and the Submerged Land Lease between the City and DEP;
2. Clarifies responsibilities pertaining to the calculation and payment of compensation for the Submerged Land Lease, to ensure payment during the renewal term is in the same manner that the City is required to comply under the lease;
3. Permits the 2nd and 3rd floors of the restaurant to be used as a banquet hall;
4. Clarifies the notice requirements.



**MOTION: Commissioner Varnadore moved and Commissioner Cornwell seconded to approve and authorize the Mayor to sign the Second Amendment to Agreement of Sublease between the City of Palmetto and VanDerNoord Partners and the Consents to Sublease for VanDerNoord Partners, a Florida general partnership, and Regatta Pointe Investments, LLC, a Florida limited liability company with changes as noted.**



**Vote: Motion passed (summary: Yes = 4, No = 0, Abstain = 1).**

**Yes: Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tandra Varnadore, Commissioner.**  
**Abstain: Alan Zirkelbach, Commissioner.**



**6. APPROVAL OF DEMOLITION: 505 11th St. Dr. W. (B. Stollo)** (TAB 8)

Request to approve the demolition of property located at 505 11th St. Dr. W. that was condemned on June 24, 2009.

Code Enforcement Director Bill Stollo reviewed the history of the code enforcement action on the property, which commenced in 2005. After the second public hearing before the Code Enforcement Board, a fine was issued in the amount of \$250 per day until the property was brought into compliance. The property owner has not pursued the remedies ordered by the City, and the lien currently amounts to \$427,000. Mr. Stollo confirmed proper noticing of the proposed action has been effected.



**MOTION: Commissioner Lancaster moved and Commissioner Williams seconded to approve the demolition of a structure located at 505 11th St. Dr. W. and to lien the property for all costs incurred.**



**Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).**

**Yes: Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tamba Varnadore, Commissioner, Alan Zirkelbach, Commissioner.**

Mr. Strollo also updated Commission on a demolition that occurred at 312 14<sup>th</sup> St. W.



**7. RESOLUTION NO. 2010-01**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, RATIFYING AND APPROVING THE FUNDING AGREEMENT BETWEEN MANATEE COUNTY AND THE CITY OF PALMETTO PERTAINING TO THE CITY OF PALMETTO LAW ENFORCEMENT VEHICLE PROJECT.

Funding Agreement for the purchase of one police vehicle.



**MOTION: Commissioner Lancaster moved and Commissioner Zirkelbach seconded to adopt Resolution No. 2010-01.**



**Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).**

**Yes: Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tamba Varnadore, Commissioner, Alan Zirkelbach, Commissioner.**



**8. RESOLUTION NO. 2010-02**

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.

Budget resolution to accept the grant funding for the police vehicle purchase.



**MOTION: Commissioner Zirkelbach moved and Commissioner Lancaster seconded to adopt Resolution No. 2010-02.**



**Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).**

**Yes: Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Tamba Varnadore, Commissioner, Alan Zirkelbach, Commissioner.**



**9. BID AWARD: 10TH STREET & 14TH AVENUE PROJECT**

Reconsideration of the prior award of bid to Superior Asphalt. Since the approval of the award of bid to Superior Asphalt, FDOT again looked through the bid document and removed the signalization for 10<sup>th</sup> Ave. & 10<sup>th</sup> St. until July. Because of FDOT action, Woodruff and Sons has become the low bidder on the project. Mr. Tusing confirmed he has spoken with both contractors.

**MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to reconsider the award of the prior award to Superior Asphalt due to the change in the scope of the project and approve and authorize the Mayor to execute a Construction Agreement with Woodruff and Sons, Inc., in accordance with the terms and conditions of the bid package, in an amount not to exceed \$481,640.17, COP Job Nos. 09-597 and 07-576.**

Discussion: Mr. Tusing acknowledged the prior award was approved pending legal review of the contract. He also acknowledged that Gator Asphalt failed to bid two of the addendum items. He stated both Superior and Woodruff are reputable companies, but felt this action was the better way to handle situation.





**Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).  
Yes: Brian Williams, Vice Mayor, Tamara Cornwell, Commissioner, Mary Lancaster,  
Commissioner, Tandra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.**



#### 10. ELECTION OF VICE MAYOR

Commissioner Williams nominated Commissioner Varnadore as Vice Mayor. Commissioner Lancaster nominated Commissioner Cornwell as Vice Mayor. Commissioner Cornwell opined that with the upcoming election, an easier resolution would be for either her or Commissioner Zirkelbach to fill the position.

**Commission voted unanimously to elect Commissioner Cornwell as Vice Mayor for 2010.**

Mayor Bryant recessed the Commission meeting to open the January 4, 2010 CRA Board meeting at 8:50 pm.

Mayor Bryant reconvened the Commission meeting. 8:45 pm.



#### 11. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Working with engineer to get right-of-way legal descriptions ready for the land swap documents. The 30% drawing on BB fields went to NDC for preliminary numbers. In the land swap, the City is taking title to the portion of the property north of existing 23 St. and south of new 23<sup>rd</sup> St. The project will be expansion of Blackstone Park, with the City and County owning different parcels of the land.

#### 12. DEPARTMENT HEADS' COMMENTS



##### Mr. Tusing

Inquired if there is a hiring freeze on budgeted positions that have been vacated. Commission concurred a position can be filled if an employee leaves.



##### Mr. Freeman

Hidden Lakes Cell Tower will be on the next meeting.

Survey questions regarding the alcohol ordinance have been sent out for Commission feedback. Asked that they respond so the survey can be placed on the website next week. Discussion ensued on holding a special workshop after the responses have been compiled; later in the day would be more convenient for the public to offer their input.



##### Chief Lowe

The Police Department teamed with Church on the Rock and WalMart to allow a shopping spree for 53 underprivileged children. Each child was given \$30 to spend.

End of the year statistics will be provided end of the week.

During 2009, 17,737 calls for service were received from the CRA area.

Mayor Bryant asked Mr. Tusing for a status update on projects, requesting it be done on a monthly basis.

Mayor Bryant requested that once the Suspense Log is updated that it be emailed to Commissioners by the end of the week.



Attorney Barnebey

Informed by court order today that the City will take possession of a 1988 Ford SUV.

Reported he is working on numerous items.



13. MAYOR'S REPORT

Council of Governments meeting is tomorrow at 4:00 at Civic Center

Reported that a lot was accomplished last year.

14. COMMISSIONERS' COMMENTS



Commissioner Cornwell

Mr. Freeman confirmed parking and entrance tickets that will be distributed to the volunteers working the fair booth. Reviewed upcoming fair events. Informed Commission the Fair Board is grateful for the City's cooperation in erecting the new building.

Mr. Tusing reported the Arbor Day tree planting will be at the fair grounds January 15, 2010 3 or 4 pm.



Commissioner Zirkelbach

Reported the EXIT sign in Chambers needs attention.



Commissioner Williams

Commented on the portable buildings that have been located on the corner lot on 6<sup>th</sup> St. west of the Ag Museum. Mr. Tusing confirmed a permit has been issued to move the buildings to the property, and that site plans must come to the DRC. He reported this issue will not come to Commission. First Baptist Church's plans are to put in a permanent building at a future date.



Commissioner Varnadore

Waiting on an update on the I&I project and a status of projects that have been approved.

Commented on the need to bring the sign ordinance and migrant and farm worker housing ordinances forward. She opined these are two things that need to be reviewed when speaking of imaging. Attorney Barnebey stated there will be another workshop on the sign ordinance scheduled with the public. After discussion, Mayor Bryant stated the sign ordinance will be on the next agenda.

15. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 9:15 pm.

James R. Freeman, City Clerk