

TAB 1

DRAFT
PALMETTO CITY COMMISSION
February 15, 2010 – 4:30 PM

Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Garry Lowe, Chief of Police
Tom McCollum, Interim City Planner
Frank Woodard, Deputy Director-Engineering and Project Management
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm, followed by a Moment of Silence and Pledge of Allegiance.



1. PROPOSED CHARTER AMENDMENT ORDINANCE

As a result of the recent Charter Committee review and recommendations, a draft ordinance has been prepared for Commission review and discussion. Discussion continued from the February 1, 2010 workshop.

Referring to the vice mayor becoming mayor, Commissioner Williams voiced his opinion that it will be difficult to put commissioners in a position to have to make a choice between their seat and the mayor's seat, because the vice mayor's position is an honorary position. If a vacancy in the mayor's seat occurs with six months or more left in the term, a special election must be held. Attorney Barnebey explained the concern of the committee is that the vice mayor would automatically become mayor. Pursuant to Section 12, it does not appear the position would be an interim mayor.

Discussion ensued on how a vice mayor would be chosen should the then-current vice mayor not want the mayor's position. Mayor Bryant opined that it is imperative that the vice mayor be in a position to be able to fill the full time mayor's position in order to attend all the external meetings. Commissioner Cornwell opined that there should be an interim mayor until an election is held, and that the individual serving as interim mayor should be justly compensated. Commissioner Lancaster stated the citizens should be able to elect their mayor.

Discussion ensued on the possibility of an interim mayor. Attorney Barnebey opined an interim mayor can work, so long as the term is not for a long period of time. He inquired what Commission considered a reasonable period of time. Staff was instructed to determine what the time frame would be to hold a special election.

Discussion ensued on an interim mayor retaining voting powers or, if commission powers would be suspended during the term a commissioner would act as interim mayor. It was also questioned what would occur if no sitting commissioner could assume the mayor's position, and how the decision to fill the interim mayor's position would be made if more than one commissioner was willing to serve in that capacity.

Attorney Barnebey was also asked to look at the proposed veto language.

Both topics will be returned to the Charter Review Committee for further review.

2. DEVELOPMENT REVIEW FEES

Review of the City's development review fees vs. surrounding governmental jurisdictions. Mr. McCollum informed Commission the P&Z Board did not review in detail, as the board members were not sure it was in their realm of responsibility to fix fees. He explained this is not a critical issue that needs a decision, but as the economy returns, it may be a topic that can generate more revenue for the City.

Mr. McCollum was asked to review the data to amend or include the following:

- Accessory structures should be a minor fee; let real charges be for real development.
- Add postscripts to explain what the different symbols in the document mean.
- Fence permits need an established policy and procedure.
- Tree removal permits: Currently \$50 per tree; recommended reducing to \$10 per tree with maximum fee amount. In the case of natural disaster, requirements can be suspended by a city to allow for prompt removal of trees that endanger a property. Need criteria to protect the canopy in the City, but allow a property owner the right to alter their property. Need procedures to be developed.
- Review the fees to ensure that fees aren't substantially increased.
- Review items where attorney fees may require a deposit.
- Need to ensure the City receives an agent authorization form completed with proper contact information from the property owner.
- Confirm the process for Commission's review of Preliminary Site plans.
- Adult entertainment: Is a conditional use; staff will confirm the allowable zoning categories.
- Review all the items that are listed as NA or where no fee is listed.
- Proposed infrastructure inspections by city staff for projects of \$150 per visit
- Earth moving and site preparation; need justification for why the City doesn't charge a fee.

The topic will be brought back to next workshop.

Mr. McCollum requested that Commission contact him with their concerns or comments.

3. SANCTUARY COVE PROJECT ATTAINABLE HOUSING UNITS UPDATE (T. McCollum)

Mr. McCollum reviewed the historic approval information regarding the Sanctuary Cove project as provided in the staff report that is attached hereto and made a part of these minutes. His finding is that the attainable housing requirement is the same as any other condition for project approval and is required. He further stated that the applicant can request to be released from the requirement. He also confirmed that no additional bonuses under the then-current matrix were granted.

Discussion ensued on whether or not the existing attainable housing ordinance should be revised or deleted. It was consensus of Commission to consider the matter at a future date.

4. UPDATE: ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT
The topic was moved to the 7:00 meeting.

Meeting adjourned at 6:00 pm.

Minutes approved:

James R. Freeman
City Clerk

DRAFT
PALMETTO CITY COMMISSION
FEBRUARY 15, 2010 - 7:00 PM

Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Garry Lowe, Chief of Police
Tom McCollum, Interim City Planner
Frank Woodard, Deputy Director-Engineering and Project Management
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00pm, followed by a Moment of Silence and Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission.

Mayor Bryant presented a Certificate of Appreciation to Jessie Williams of Waste Management, in recognition of his services rendered to Popi Ameres.

Public Comment (non-agenda items): None



1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested to move item #9 to 3A, add the report on the energy efficiency grant as item #9 and discuss the calendar as item 10A.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the February 15, 2010 7:00 PM Agenda.



2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: January 25, and February 1, 2010
- B) January Check Register
- C) Special Function Permits: Palmetto Art Center-Post Pop Art Show
Palmetto Art Center Spring Jazz Show
Manatee County Animal Services-Animal Rescue Coalition
- D) Noise Exception Permits: Palmetto Art Center-Post Pop Art Show
Palmetto Art Center Spring Jazz Show

Commissioner Cornwell removed items 2C and 2D for discussion.

Commissioner Varnadore requested that the January 25, 2010 minutes be corrected to reflect the second to the motion on page two of six.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items A and B of the February 15, 2010 Consent Agenda.

Items 2C and 2D:

Gretchen Leclizio of the Palmetto Part Center confirmed that adjacent businesses have been notified of the proposed events and have not objected.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items 2C and 2D of the Consent Agenda.



3. PUBLIC HEARING: ORDINANCE NO. 09-995

Public hearing to adopt Ordinance No. 09-995 amending school element of the Comprehensive Plan. The transmittal public hearing for this ordinance was held September 14, 2009 and continued to September 28, 2009.

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

Mr. McCollum explained the ordinance is the follow up to the approval given on September 29, 2009 to transmit the Comprehensive Plan amendment to DCA. The OCR Report was received from DCA, after which a meeting was held with the School Board and City Attorney. Very minor amendments were made to the document.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Ordinance No. 09-995.



3A.RECOMMENDATION OF AWARD FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ADMINISTRATION SERVICES (J. Freeman) Moved to 3A

Mr. Freeman explained funding of the administration of the grant can be from the grant or CRA can contribute for project. If CRA funds the administration services, more construction dollars will be available and less parameter for reporting will be necessary. A committee met and ranked the responses on five criteria and recommended that Clark Communities, Inc. (CCI) be awarded the grant administration services. A contract with CCI will be brought back to Commission for approval. The notice of funding has not yet been issued. When it is, application will be made for \$750,000 for Ward 1, Phase II.

Discussion ensued on how the ranking was done by the committee, and the fact that one vote decided the award. It was suggested that different procedures be put in place for future awards to ensure the ranking of responses is more democratic. Commission also discussed the fact that the award was based on policy currently in place and that the Commission was basing a decision on information presented. Attorney Barnebey stated that if Commission is inclined not to select the highest rated proposal, the matter can be deferred until the next meeting, which will enable him to look at options.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 3-2 to approve Clark Communities, Inc. (CCI) to apply and administrator the CDBG Grant, in accordance with the RFP. Commissioners Williams and Cornwell voted no.

 4. RESOLUTION NO. 2010-03

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 10TH AVENUE WEST.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2010-03.

 5. RESOLUTION NO. 2010-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT TO PROVIDE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PARTICIPATION IN THE INTERSECTION IMPROVEMENT PROJECT AT 10TH STREET WEST AT 14TH AVENUE WEST.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2010-05.

 6. RESOLUTION NO. 2010-06

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

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 2010-06.

Attorney Barnebey confirmed that Commissioners Cornwell and Varnadore, who each have family members on the Charter Review Committee, can vote the topic because no financial benefit to any of the parties involved is applicable to the topic.

 7. APPROVAL: COMCATE AGREEMENT TO IMPLEMENT CODE ENFORCEMENT MANAGER

Business Agreement to implement the Code Enforcement software approved by CRA on February 1, 2010. Mr. Freeman confirmed no further hardware or software will be necessary; will have to coordinate with the CRA to pre-populate GIS information into the system. Stands to house the laptop computers will be purchased for the code enforcement vehicles.

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Comcate Business

Agreement to Implement the Code Enforcement Manager with optional GIS Module, in an amount not to exceed \$7,120 and approve the additional expenditure of \$672 for software.

 **8. RESOLUTION NO. 2010-07**

Resolution to establish a budget for the additional 11 hour per week Code Enforcement administrative position approved by the CRA on February 1, 2010.

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 Zirkelbach moved and Commissioner Varnadore seconded to adopt Resolution No. 2010-07.

Discussion: Mr. Freeman stated one of the things the software will help identify is the activity demand in the CRA. He also reported that Mr. Strollo presented the software at the past CRA Advisory Board meeting while giving an overview of what the Code Enforcement Department does throughout the City.

Motion on the floor carried 4-1. Commissioner Cornwell voted no.

 **ECONOMIC EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG)**

Mr. Freeman reported that with the assistance of Glen Clover, the City has applied for an EECBG in the amount of \$250,000. The proposed initiatives include reduction of energy use at the wastewater treatment plant, an energy conservation study, consolidation of IT hardware and the retrofit of lighting city-wide. The cost to write the grant was \$2,400 with the balance of \$2,400 due should the City be awarded the grant. Mr. Clover commended City staff for their assistance. Mayor Bryant also commented on the efforts of everyone involved in making it possible to prepare the grant in a timely manner.

 **10. APPROVAL: SUNCOAST WORKFORCE BOARD EMPLOYED WORKER TRAINING EMPLOYER AGREEMENT**

Proposed training for dispatchers on telephone suicide intervention. Chief Lowe confirmed there would be no travel or lodging expenses involved in the training.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Suncoast Workforce Board Employed Worker Training Employer Agreement, in an amount not to exceed \$236.25.

 **10A CALENDAR**

Discussion ensued on the Commission's meetings being scheduled so that no meeting will fall on an observed holiday. It was consensus of commission to poll the employees to confirm that previously elected holidays are still appropriate.

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

Mr. Woodard stated the City has 30% design plans and he believes the package has been forwarded to legal. Attorney Barnebey stated the City is performing its due diligence, but do not yet have authority to go on site and begin testing.



12. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey

No report.

Chief Lowe

Reported the department stopped a burglary in progress in 1400 block of 12th St. Dr. that was citizen reported.

The revised contract for accreditation services will be received in the near future.

Mr. Freeman

Commented on the new page of key statistics that has been included in the monthly financial reports. He requested that Commission contact him with any comments on report.

Reported the McKinney demolition was started today.

Mr. Woodward

No report.

Mr. McCollum

No report.



13. MAYOR'S REPORT

The Business Advisory Group meets Thursday at 1st American Bank; Ed Hunzeker will be the guest speaker.

14. COMMISSIONERS' COMMENTS



Mrs. Lancaster

Mr. Woodard reported the City is close to letting the bid on Ward 1 Phase II; technical specs are being finalized.

Received calls from 12th St & 12th St. Dr reporting the presence of police cars parked on streets that have resulted in clean & quiet streets.

Ms. Cornwell

No report.



Mr. Zirkelbach

Mr. McCollum reported the Katsamakias issue is being heard by the P&Z Board this Thursday.

Attorney Barnebey confirmed that an applicant's rebuttal should be allowed following public comments after presentation at P&Z Board meetings. He will speak with the chair and Attorney Scott Rudacille.



Ms. Varnadore

Mr. Freeman confirmed he spoke with the potential lessee of the Bait Shop after modifications to the lease to lower the rent. A copy of the lease has been emailed to the individual, but there has been no response. Mr. Freeman reported the opinion of the lessee that the viability of the project is dependent on docks. Staff was asked to follow up with the applicant to determine his interest and if there is no interest, move forward with publishing another RFP.



Mr. Williams

Opined the appropriate entity should be contacted to determine the length of time it will take to receive a dock permit.

Requested a report on the 1811 8th Ave. W. car lot, stating his belief a conditional use permit was put on the property. Mr. Freeman stated stipulations were originally placed on the property, which have recently been closed.

Mr. McCollum confirmed a GDP expires after two years.

Inquired if funding is available for in-road lights. Mr. Woodard stated staff has met with the School Board about potential sites for the lights.

Chief Lowe stated the Police Department's taser General Orders are being developed. He also stated GO's have never been reviewed by the City attorney, but welcomed his review of the documents when completed.

Referring to the Code Enforcement officer funding by CRA, stated he hopes staff is working together to look at realigning zones so police officers can fit within the CRA boundaries. Mayor Bryant suggested a conversation with people doing computerization of the data within the system will be beneficial; zones may not be relevant.

Mr. Freeman reported the Personnel Policy Committee will be meeting weekly on Tuesday mornings. The policy will be presented to Commission within in the next month.

15. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 8:15 pm.

Minutes approved:

James R. Freeman
City Clerk