

PALMETTO CITY COMMISSION MEETING  
AND  
CRA BOARD MEETING  
November 1, 2010  
7:00 PM

*PLEDGE OF PUBLIC CONDUCT*  
*We may disagree, but we will be respectful to one another.*  
*We will direct all comments to issues.*  
*We will avoid personal attacks.*

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516 8th Avenue West  
Palmetto, Florida 34221

(941) 723-4570  
<http://www.palmettofl.org>

**Shirley Groover Bryant, Mayor**

**Commission Members**

**Tamara Cornwell, Vice Mayor, 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**

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Anyone wishing to speak before the City Commission or the CRA Board must sign in and be sworn-in prior to the meeting, stating name, address and topic to be addressed. All comments will be limited to two minutes.

Call to order, followed by a Moment of Silence and the Pledge of Allegiance.

Proclamations: Farm City Week  
Accepting: Ann Marshall, Farm City Week Committee

Pancreatic Cancer Awareness Month  
Accepting: Joan Gardyasz

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

Public Comment (non-agenda items):

**1. CITY COMMISSION AGENDA APPROVAL**

**Action Request: Motion to approve the November 1, 2010 7:00 p.m. Agenda.**

**2. CITY COMMISSION CONSENT AGENDA**

- |   |         |
|---|---------|
| A) Minutes: October 18, 2010 Workshop and Commission                  | (TAB 1) |
| B) Business Information Systems, Inc. (BIS) Support Agreement Renewal | (TAB 2) |
| C) Special Function Permit: Eccentric Otter                           | (TAB 3) |
| D) Special Function Permit: Martin Luther King, Jr. Parade            | (TAB 4) |
| E) Noise Exception Permit: Placido Antunez                            | (TAB 5) |

**Action Request: Motion to approve the November 1, 2010 Consent Agenda.**

**3. PUBLIC HEARING: ORDINANCE NO. 2010-01 (L. Lyn & M. Barnebey) (TAB 6)**  
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, CAPITAL IMPROVEMENT ELEMENT, AND PUBLIC SCHOOL FACILITIES ELEMENT OF THE CITY OF PALMETTO COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Reopen the public hearing continued from October 18, 2010. Close the public hearing after public comment.**

**Action Request: Motion to adopt Ordinance No. 2010-01.**

**4. PUBLIC HEARING: ORDINANCE NO. 2010-05 (L. Lyn & M. Barnebey) (TAB 7)**  
AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, THE CITY OF PALMETTO COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 2.1 ACRES AT THE INTERSECTION OF 17<sup>TH</sup> STREET WEST AND THE FUTURE EXTENSION OF 10<sup>TH</sup> AVENUE WEST (PARCEL 1) FROM PUBLIC FACILITY (PF) TO GENERAL COMMERCIAL (GCOM); ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 14.0 ACRES AT THE INTERSECTION OF 23<sup>RD</sup> STREET WEST AND THE FUTURE EXTENSION OF 10<sup>TH</sup> AVENUE WEST (PARCELS 2, 3 AND THE HALF RIGHTS-OF-WAY FOR 10<sup>TH</sup> AVENUE WEST ADJOINING PARCELS 2 & 3) FROM PLANNED DEVELOPMENT (PD) TO GENERAL COMMERCIAL (GCOM); ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 14.0 ACRES LOCATED EAST OF 8<sup>TH</sup> AVENUE WEST, NORTH OF 23<sup>RD</sup> STREET WEST, AND WEST OF BUSINESS U.S. HIGHWAY 41 (PARCEL 4) TO DESIGNATE THE PROPERTY AS GENERAL COMMERCIAL (GCOM); ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 29.0 ACRES LOCATED EAST OF BUSINESS U.S. HIGHWAY 41, NORTH OF 21<sup>ST</sup> STREET WEST AND WEST OF BAYSHORE ROAD (PARCEL 5) TO DESIGNATE THE PROPERTY AS GENERAL COMMERCIAL (GCOM); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Reopen the public hearing continued from October 18, 2010. Close the public hearing after public comment.**

**Action Request: Motion to adopt Ordinance No. 2010-05.**

**5. 1<sup>st</sup> PUBLIC HEARING ORDINANCE NO. 2010-12 (L. Lyn) (TAB 8)**  
AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES; ZONING CODE, TO ADD CHILD CARE CENTER AS A PERMITTED OR CONDITIONAL USE IN THE COMMERCIAL CORE (CC) DISTRICT WITHIN THE SCHEDULE OF PERMITTED USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Open public hearing. Close public hearing after public comment.

Announce that the second public hearing will be held November 15, 2010 at 7:00 p.m., or as soon thereafter as the item can be heard, in these chambers.

6. RESOLUTION 2010-22 (J. Freeman)

(TAB 9)

Resolution 2010-22 will establish a Citywide budget policy

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, TO ESTABLISH POLICY SETTING GUIDELINES FOR THE ESTABLISHMENT OF THE CITY'S BUDGET FOR THE PURPOSES OF ENSURING THE FINANCIAL STABILITY OF THE CITY.

**Action Request: Motion to approve resolution 2010-22**

7. CRA BOARD MEMBER APPOINTMENT (Mayor Bryant)

*At time of agenda distribution, a resume was not available, but will be provide on or before the meeting.*

**Action Request: Motion to approve the appointment of McArthur Sellars to the CRA Board for a term ending January, 2012.**

8. CANVASSING BOARD APPOINTMENT (J. Freeman)

(TAB10)

Pursuant to Section 12-10 of City Code, the City Clerk and Mayor are to be appointed to the Canvassing Board.

**Action Request: Motion to appoint City Clerk and Mayor to the Canvassing Board for the General Election held on November 2, 2010.**

9. CONTRACT APPROVAL: WARD 1 PHASE 2 (A. Tusing)

(TAB 11)

The attached contract is between the City of Palmetto and Gator Grading and Paving LLC for construction activities associated with the Ward I Phase II project. Staff provided the contract document. The technical specifications are on file with the City Clerk for your review.

**Action Request: Motion to approve and authorize the Mayor to execute the contract between the City of Palmetto and Gator Grading and Paving LLC for construction activities associated with the Ward I Phase II project in an amount not to exceed \$2,277,764.50.**

10. EXTENSION OF DUE DILIGENCE FOR PHASE II PALMETTO BALLFIELD AND DEDICATION AGREEMENTS (Mark Barnebey) *At time of the agenda distribution, the agreement was not available and will be provided to the Commission on or before the meeting.*

**Action Request: Motion to approve and authorize the Mayor to sign an extension agreement for the due diligence associated with the Phase II ball field and Dedication agreements subject to the City Attorney review.**

11. FINANCE REORGANIZATION (J. Freeman)

Proposed reorganization of the Finance Department as discussed at the workshop.

**Action Request: Motion to approve the proposed Finance Department reorganization and authorize staff to bring forward revised job descriptions and any necessary budget adjustments for future approval.**

12. Code Enforcement Lien Reduction (J. Freeman)

(TAB 12)

Palmetto Funding, LLC is requesting a reduction in a Code Enforcement lien on property located at 98 US 41 N. that was the subject of a mortgage foreclosure.

**Action Request: Motion to approve/deny the settlement of lien on property located at 98 US 41 N. in the amount of \$5,000**

13. Extension of City Attorney Contract (Mayor)

**Action Request:** Motion to approve Kirk Pinkerton as City Attorney for the City of Palmetto for the period from November 1, 2010 until October 31, 2011 at a monthly cost of \$18,333 or \$220,000 per year.

14. 1<sup>st</sup> READ & ADVERTISING APPROVAL: ORDINANCE 2010-15 (A. Tusing) (TAB 13)  
AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING PORTIONS OF 8TH AVENUE WEST AND 23RD STREET WEST, AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Action Request:** Motion to approve Ordinance No. 2010-15 for advertising and schedule a public hearing November 15, 2010.

15. 1<sup>st</sup> READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-16 (J. Freeman) (TAB 14)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO RELATING TO REAL PROPERTY; PROVIDING PURPOSE, INTENT, DEFINITIONS, AND APPLICABILITY, REQUIRING MORTGAGEE REGISTRATION RELATING TO REAL PROPERTY MORTGAGES IN DEFAULT; PROVIDING FOR AN ELECTRONIC FORM OF REGISTRATION; REQUIRING MAINTENANCE OF CERTAIN REAL PROPERTY BY PROPERTY OWNERS AND MORTGAGEES, PROVIDING SECURITY REQUIREMENTS; PROHIBITING OBSTRUCTION OF CODE ENFORCEMENT OFFICERS; PROVIDING FOR IMMUNITY OF CODE ENFORCEMENT OFFICERS; PROVIDING FOR ADDITIONAL MAINTENANCE AND SECURITY REQUIREMENTS; PROVIDING SUPPLEMENTAL AUTHORITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

**Action Request:** Motion to approve Ordinance No. 2010-16 for advertising and schedule a public hearing November 15, 2010.

16. 1<sup>st</sup> READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-17 (L. Lyn) (TAB 15)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 17, ARTICLE III, OF THE CODE OF ORDINANCES, TO REVISE THE REQUIREMENTS RELATED TO THE PROVISION OF ATTAINABLE HOUSING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Action Request:** Motion to approve Ordinance No. 2010-17 for advertising and schedule a public hearing November 15, 2010.

17. 1<sup>st</sup> READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-19 (L. Lyn) (TAB 16)  
AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, SECTION 28-74, TO ADD PROVISIONS RELATED TO THE JOINT USE OF PARKING FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Action Request:** Motion to approve Ordinance No. 2010-19 for advertising and schedule a public hearing November 15, 2010.

Recess the City Commission meeting to open the November 1, 2010 CRA Board meeting.

Reconvene the City Commission meeting.

18. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

19. DEPARTMENT HEADS' COMMENTS

20. MAYOR'S REPORT

21. COMMISSIONERS' COMMENTS

22. PUBLIC COMMENTS FOR CITY COMMISSION

Anyone wishing to speak before the City Commission must complete the Speakers Card, stating name, address, and topic to be addressed and be sworn in prior to the meeting. All comments will be limited to two minutes.

23. ADJOURNMENT

If any person desires to appeal any decision of the City Commission, the CRA, or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Fla. Stat. §286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on one working day's notice (Fla. Stat. §286.26) Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act should contact the City Clerk by telephone at 941-723-4570, fax 941-723-4576 or e-mail [jfreeman@palmettofl.org](mailto:jfreeman@palmettofl.org) or [dponder@palmettofl.org](mailto:dponder@palmettofl.org).

POSTED: October 28, 2010