

**TAB 1**

**DRAFT**  
**CITY COMMISSION WORKSHOP MEETING**  
**October 18, 2010**  
**4:30 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
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

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Lorraine Lyn, City Planner  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration



Mayor Bryant called the meeting to order at 4:35 p.m.



1. COMPREHENSIVE PLAN AMENDMENT

Attorney Barnebey discussed the process staff is going through to address comments received from the Department of Community Affairs (DCA) regarding the EAR based amendments to the Comprehensive Plan. Because staff is still in the process of refining the document, he recommended a continuation of the public meetings on the 7:00 agenda until a time next week, but suggested Commission should take action prior to November 2, 2010 because of the difficulty of amending the Plan should Amendment 4 be passed.

City Planner Lorraine Lyn discussed some of the DCA comments. The bulk of the comments pertained to the need for the City to perform data analysis to support the changes that have been made, citing annexations that have occurred with a density of 45 units per acre with an FAR of 10 and how the City plans to service those annexed areas. She also commented on the Water Plan that has not been submitted, stating DCA will prohibit any further map amendments until it is submitted.

DCA recommended that the existing policy in the Comp Plan regarding how to calculate density in the coastal high hazard area (CHHA) be reinserted into the document. She also stated that a data analysis document will be forwarded to DCA with the adopted Comp Plan.

Attorney Barnebey explained:

1. The Comp Plan will be submitted with an explanation that the City will update its Water Plan in the very near future, consistent with Manatee County's plan.
2. Regarding the Urban Planning (UP) category, formerly the PD category, language will be reinserted that existed before transmittal regarding density calculations based on surrounding properties. Policies that existed in the comp Plan will be re-inserted, based on conversations with DCA.
3. Language will be reinserted to ensure that densities in CHHA will not increase.
4. Data analysis documents will be developed and sent to DCA (will probably use much of what was originally submitted).

5. If Commission adopts the Comp Plan before November 2, 2010, Amendment 4 will not apply, should it be passed. The adopted Comp Plan will not become effective until the State issues a Letter of Intent, which must be done 45 days after receipt.

The following comments were made by Commission and staff during the review of the revised document:

- The Planned Development (PD) category that was changed to Urban Planning (UP) will be changed to Mixed Use (MU) with 45 units per acre and an FAR of 10.
- The base density will be returned to a maximum of 14 with a FAR of 1; any increase over these levels will require MU zoning.
- CRA could be a separate category from the Downtown Commercial Core, with a maximum 45 units per acre with a FAR of 10.
- Staff will determine that the maps depict the correct category along the waterfront, including Regatta Pointe Marina.
- Staff will determine that the definitions agree with related graphics.
- Staff will determine that the correct FAR is listed in the residential zoning categories
- Staff will determine if existing congregate living facilities will meet the new criteria

Amendments to the Comp Plan were made, as follows:

- Page 9: Definition for Attainable Housing will be added to the document.
- Page 10: Commercial Apartment definition was amended by deleting the word "rental".
- Page 14: Hurricane Response Team definition was amended by the addition of "Chief of Police". Staff was instructed to refer back to the resolution establishing the team.
- Page 24: Residential Land Use Categories will be amended by deleting reference to "public view sheds". Residential-6 will be amended by beginning the second sentence with "Additionally" rather than "The purpose of".
- Page 30A: Table 1-1 Staff will review. There was earlier conversation regarding the maximum height being 45' rather than 50' as related to the heights in place in surrounding areas. The table will be brought back for further discussion.
- Page 31: Policy 1.4.1 The first sentence will be amended by including language that incentives will be given for reuse or conversion where "available" and feasible.
- Page 36: Policy 1.10.1 The sentence will be amended by the addition of "category" to the end of the sentence.

Discussion ensued on reducing the "numbers" (density) and clustering the FAR's in a mixed project or in a specific area or neighborhood. Ms. Lyn confirmed that there is the option to cluster through a PD zoning, provided the entire area agrees to become an area zoned PD.

Attorney Barnebey confirmed the discussion can continue during the 7:00 meeting.

Meeting adjourned at 6:10 p.m.

Minutes approved:

James R. Freeman, City Clerk


**DRAFT  
CITY OF PALMETTO  
CITY COMMISSION MEETING  
October 18, 2010  
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2 (entered at )7:05  
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  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Lorraine Lyn, City Planner  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

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

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

Public Comment (non-agenda items): None

 1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the October 18, 2010 7:00 PM Agenda. Commissioner Cornwell was not present for the vote.**

 2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: September 27 and October 4, 2010 Workshop and Commission
- B) September Check Register
- C) Bryant Miller Olive Special Legal (Labor issues)
- D) Persson & Cohen, PA Special Legal
- E) Corrective Documents relating to Palmetto Elementary School site
- F) MPO Tamiami Trail Brownfields Revitalization Initiative Coalition
- G) Special Function Permit: Palmetto B&B Weddings: November 20, 2010,  
March 13, March 25, April 9, April 23, April 30, October 8, October 15,  
and November 5, 2011

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the October 18, 2010 Consent Agenda. Commissioner Cornwell was not present for the vote.**



**3. PUBLIC HEARING: ORDINANCE NO. 2010-01**

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.

Mayor Bryant opened the public hearing. Attorney Barnebey recommended this item be continued until Commission has completed its review of the revised Comp Plan. There was no public comment.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 2010-01 until October 25, 2010 at 5:30 p.m., or as soon as the item may be heard, in these chambers.**

Commission discussed the need for an additional workshop on the revised Plan. Attorney Barnebey confirmed that the workshop could begin at 5:30 p.m., and the meeting for the public hearings could begin immediately following the conclusion of the workshop.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-1 to schedule a workshop to discuss Ordinance 2010-01 for October 25, 2010 at 5:30 p.m. Commissioner Cornwell voted no.**



**4. PUBLIC HEARING: ORDINANCE NO. 2010-05**

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.

Mayor Bryant opened the public hearing. This item is specifically tied to baseball field agreements and a 1998 agreement that was never fully considered by Commission. Attorney Barnebey recommended continuing the item until October 25, 2010 at 5:30 p.m. There was no public comment.

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 2010-05 until October 25, 2010 at 5:30 p.m., or as soon as the item may be heard, in these chambers.**



**5. RESOLUTION NO. 2010-33**

Resolution 2010-33 is a budget amendment to address carry-forward encumbrances.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2010-29, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 2010-33.**



**6. CODE ENFORCEMENT LIEN REDUCTION**

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. The request is for reduction of the lien amount from \$48,600 to \$5,000.

Code Enforcement Director Bill Stollo discussed the filing of the lien against the owner of the property at the time of the code enforcement action, July 8, 2008. At the completion of the foreclosure proceedings through the courts, Palmetto Funding took possession September 9, 2008.

Attorney Barnebey informed Commission that Palmetto Funding has raised an argument regarding the priority of the lien. Mayor Bryant opined that while she is never in support of reducing a lien, in this case it will be appropriate to do so. Attorney Barnebey recommended placing a 30-day time period on the payment of the lien.

Jeff Burton, Interim CRA Administrator, requested that the item be tabled until the next Commission meeting. He would like to investigate the possible purchase of the property.

Commissioner Zirkelbach requested that Attorney Barnebey research the prevailing party issue before the item is considered.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to table the item until the next Commission meeting.**



**7. ACCESS LICENSE AGREEMENT WITH 600 PALMETTO, L.C.**

The Agreement will allow vehicles accessing City Hall from 5<sup>th</sup> Street to cross over property owned by 600 Palmetto, L.C. Mr. Tusing discussed the improvements and the maintenance the City will perform on the paved area granting the access.

**MOTION: Commissioner Varnadore moved, Commission Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Access License Agreement between 600 Palmetto, L.C. and the City of Palmetto.**

 8. JOB DESCRIPTION APPROVAL

Mr. Burton proposed a part time temporary GPS Field Technician/GIS Assistant position that will be filled by a high school or college student. The position will be for approximately ten hours a week. The funding will be from the amount that had been budgeted for VISAT Volunteers, which has been terminated in Manatee County.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the Part-Time Temporary GPS Field Technician/GIS Assistant Job Description and the addition of Grade100P to the City Grade and Step Plan.**

 9. RESOLUTION NO. 2010-34

Resolution No. 2010-34 will establish the budget for the first FECC Grant award.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2010-29, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 2010-34.**

 10. 1<sup>st</sup> READ AND ADVERTISING APPROVAL: ORDINANCE NO. 2010-12

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 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.

**MOTION: Commissioner Lancaster moved and Commissioner Zirkelbach seconded to approve Ordinance No. 2010-12 for advertising and schedule public hearings for November 1, 2010 and November 15, 2010.**

Commissioner Varnadore opined it would better serve the City for the topic to be a conditional use because of the broad scope of the commercial core.

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

 11. DISCUSSION OF DEPARTMENT HEAD COMPENSATION SCHEDULE

Mayor Bryant referred to the information that was provided, stating that as discussed at the CRA Advisory Board, it is her intent to nominate Mr. Burton as the CRA Director. Mr. Freeman confirmed that \$78,660 is what is currently budgeted for the position. Discussion ensued on Mr. Burton's compensation amount as a vendor. Mayor Bryant recommended Mr. Burton's salary be established at approximately \$79,000 plus the use of an available City vehicle; she concurred that the budgeted amount would be sufficient.

Mayor Bryant stated there remains one Public Work issue, but she is making no other changes at this time.