

**TAB 1**

**DRAFT  
CITY COMMISSION WORKSHOP MEETING  
FEBRUARY 22, 2011  
5:15 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2 (entered at 5:30 p.m.)  
Brian Williams, Commissioner, Ward 3

Elected Officials Absent:

Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Karen Simpson, Deputy Clerk-Finance  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration



Mayor Bryant called the meeting to order at 5:15 p.m.



1. FPL FRANCHISE AGREEMENT

Attorney Barnebey confirmed that FPL had deleted provisions he had requested be removed from a legal standpoint. Rae Dowling, FPL representative, and Attorney Barnebey confirmed the following discussion items:

- FPL changed the 5.9% pass thru fee to 6%, based on what they thought was Commission's desire. The 6% fee is the maximum FPL charges and it is not based on the size of the community. The pass through fee is revenue to the City's General Fund. The City can amend the rate at a future date.
- The franchise agreement is a non-exclusive agreement for 30 years.
- The City can audit FPL records at any time, free of charge. Travel expenses to perform the audit would be the City's responsibility.
- The City can only terminate the agreement if there is a breach in the contract or a change in conditions.
- The City has no approval rights for any transfer of the franchise agreement to a different entity.
- The new rate will take effective March 1, 2011, but the City will not receive the increase in revenue for approximately 90 days.

Commission discussed the proposed separate agreement for renewable energy that staff is negotiating with FPL. Staff confirmed the agreement will not be tied to the FPL Franchise Agreement. Mr. Freeman reviewed renewable energy items he thought should be considered by the City, a copy of which is attached hereto and made a part of these minutes.

Commission suggested the following amendments to the items to consider:

- An energy audit should be performed of all the 20 largest **commercial** electrical accounts with the City.
- Negotiation should occur regarding the installation of solar photo voltaic panels on City buildings rather than a school, so the City can benefit from the energy savings and also offer a consumer educational outreach program. Additional information was requested on the solar school program.
- Electric car stations will be installed on a limited basis so the City can evaluate the success of the program before its' full implementation.

Discussion ensued on the City's ability to also take advantage of renewable energy sources beyond solar power. It was suggested that a clause be added to the franchise agreement regarding the ability of the City to "adjust to or incorporate more current energy technology". Ms. Dowling stated her belief that the franchise agreement contains language regarding the City's ability to take advantage of current technologies [over the 30-year franchise agreement term].

Staff was directed to continue negotiations on the renewable energy agreement with FPL, for presentation at a future meeting. The FPL Franchise Agreement ordinance public hearing is scheduled for March 7, 2011.

Mayor Bryant announced that FPL has approached the City about opportunities for community service in the City. FPL will also assist with the Veterans Parade that is held in the City.



## 2. PROPOSED 2011 CAPITAL IMPROVEMENT PLAN (CIP)

Mr. Tusing discussed the projects that have been identified for 2011, and their associated funding. Mr. Freeman stated the identified projects total \$10,213,000. Of that total, \$1,332,448 will be funded by loan funds; \$1,180,000 will be funded by City fund balance and impact fees; \$750,000 funded by grants; \$6,950,544 remains unfunded.

Discussion ensued on the projects, with the following amendments made by staff and Commission:

1. Road Improvements  
ADA Sidewalk Compliance: Discussion was had on whether to change funding of \$25,000 for ADA sidewalk improvements from loan funds to fund balance. Staff agreed to bring back options to be discussed at the next meeting.
2. Public Buildings
  - City Facility Security was reduced by \$30,000 to a new total of \$20,000.
  - City Wide Facilities Upgrades was increased by \$20,000 to a new total of \$40,000. Funds were set aside for the police department building repair. If a new building is pursued, the funds will not be used at this site.
  - Public Works Yard Lighting was decreased by \$15,000 to a new total of \$15,000.The amendments totaled approximately \$25,000, and were moved to fund the TMDL Program.
3. Stormwater  
TMDL Program was amended and the \$25,000 savings in Public Buildings was used to fund the TMDL program (loan funds)

The ASR well is a 50/50 match with Southwest Florida Water Management District (SWFWMD), with the loan funded amount committed to in prior years via an interlocal agreement. The City may have to secure a loan to meet the required match amount. The total funded amount is \$510,864.

The telemetry meter program was discussed. Staff was instructed to ascertain the name of the vendor used in a nearby municipality that is experiencing major problems in their utility billing system. Mr. Freeman briefly described conversations with ESG, a company doing an energy study as part of the energy grant, regarding a telemetry program. If the program is implemented it will guarantee additional revenue because of the accuracy of the meters. The additional revenue will pay the financing of the program. If the additional revenue is not realized, the company will pay the financing component of the program for the City.

The golf course ponds were added after inspection with the Department of Environmental Protection, as a site to accept excessive reclaimed water. The City will have to install a meter and amend its permit with SWFWMD. This will serve as a safeguard in storing treated water until the ASR well is constructed.

Commission requested that if the Public Building projects funds are not spent as identified that they be informed of the proposed project where they will be expended.

Mr. Tusing discussed the waterline rehabilitation that was not funded last year and the need to identify funding for this year. He cited historical instances where not performing the rehabilitation resulted in much higher costs to the City.

Staff will bring back options for the projects proposed to be funded from loan funds. Mr. Tusing assured Commission that they will be presented proposed project budgets for approval.



### 3. NOISE EXCEPTION PERMIT

Mayor Bryant recommended placing a six-month moratorium on the issuance of noise exception permits to evaluate the impact of possible long term elimination or modification of the requirements of the permits. Discussion ensued, with Commission generally agreeing to the Mayor's recommendation.

Mayor Bryant made the following announcements:

The motel will be demolished.

Commissioner Zirkelbach is absent from the meeting due to illness.

The Ward I Phase II groundbreaking is tomorrow at 9:30 a.m.

Meeting adjourned at 7:35 p.m.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT  
CITY COMMISSION WORKSHOP MEETING  
FEBRUARY 28, 2011  
4:30 PM**

Elected Officials Present


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

Elected Officials Absent

Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Karen Simpson, Deputy Clerk-Finance  
Allen Tusing, Public Works Director  
Frank Woodard, Deputy Director, Project Management & Engineering  
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 4:33 p.m.

 1. RECLAIMED WATER ASR PROJECT (A. Tusing)

Tom Farkas, PBS&J, narrated a presentation on an Aquifer Storage Recovery (ASR) well, which is attached hereto and made a part of these minutes. He stated ASR wells have been successfully utilized in Florida for over 30 years. Currently there are over 75 permitted wells being used for potable water, treated water and reclaimed water.

As a project update, Mr. Farkas stated the ASR Feasibility Study identified the City's wastewater treatment plant as the site for the City's ASR well. FDEP issued a Class V ASR test well permit in 2007. An exploratory well constructed at the treatment plant confirmed the site could support 1-2 million gallons of water storage. If the program moves forward, the exploratory well will be integrated into the permanent well.

In 2008 the ASR program was put on hold by Southwest Florida Water Management District (SWFWMD) because of arsenic issues. In the last five years it has been determined that arsenic decreases with continued operation of the well. FDEP is approving wells for cycle testing with administrative orders and if arsenic is found the permit will allow the City to identify mitigation.

SWFWMD has approved the City's plan to resume the ASR well program. The City has also submitted an approximate budget to resume funding under the cooperate agreement executed with SWFWMD. The tentative plan is to complete the design phase of the project by the end of the fiscal year. Construction of the well will begin in 2012 and take up to a year to conclude. During 2012 the City's permits will have to be modified to include an administrative order. Cycle testing will then begin and can continue for ten years. Currently, the project is on track for funding originally allocated for the project.

Staff's recommendation is to complete the plan through the administrative order phase of the project.

Commission discussed the arsenic issue and how the City will monitor the well. Mr. Tusing confirmed that SWFWMD is funding the well as a recovery well rather than an injection well, thus the requirement to treat the water to drinking standards before injecting it into the well.

The projected cost of the well was discussed. Mr. Tusing opined it will be the most economically feasible solution to "getting out of the bay". The exact cost of constructing the well will not be known until the project is put out to bid. Mr. Tusing was asked to provide a breakdown of the cost analysis of the project. The long-term monitoring costs of the well will fall under the wastewater treatment plan operator's contract, currently Veolia Water.

Mr. Woodard confirmed that monies spent on the exploratory well were reimbursed by SWFWMD. The City will receive a 50% rebate for the cost of the well. Commission requested information regarding the agreement with SWFWMD, together with a total expected expenditure with the depth of the well.

Mr. Tusing stated SWFWMD assures him the funds are still available for the project. The City will have to modify the cooperative agreement with SWFWMD because of its expiration date in June. He will ask for a consensus vote from Commission to move forward with the ASR well project.

Mayor Bryant acknowledged the presence of County Commissioner Carol Whitmore.

Meeting adjourned at 6:00 p.m.

Minutes approved:

James R. Freeman  
City Clerk


**DRAFT  
CITY COMMISSION MEETING  
February 28, 2011  
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
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  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 7:02 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:

 1. CITY COMMISSION AGENDA APPROVAL

**MOTION:** Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the February 28, 2011 7:00 PM Agenda.

 2. CONSENT AGENDA APPROVAL

**A) CITY CLERK'S OFFICE**

1. Minutes; February 7, 2011  
The 7:00 minutes were corrected to record that the Commission granted approval for the Mayor to also accept the VOCA grant, if awarded.
2. Special litigation billings:
  - a. Kirk Pinkerton
  - b. Bryant Miller Olive-Police Union
3. Special Function Permit:
  - a. St. Pete Bicycle Club Spring Classic
  - b. Palmetto B&B Wedding for March 6
  - c. Palmetto B&B Wedding for April 17
4. Physio Control Contract Renewal:  
Service support for Automatic External Defibrillators

**B) PUBLIC WORKS**

1. Lombardo, Foley & Kolarik, Inc. Work Assignment #6  
Ward I Phase II engineering construction phase services for project, COP Job #05-436

**MOTION:** Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the February 28, 2011 Consent Agenda, with the corrections to the minutes as stated and the removal of item 2B for discussion.

Item 2B: Mr. Tusing confirmed there is no additional cost associated with terminating the work assignment [with the prior firm]. The construction services are exactly the planned amount; the only outside cost factor could be \$1,000 associated with writing letters for the grant.

**MOTION:** Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve item 2B of the February 28, 2011 Consent Agenda.



3. PUBLIC HEARING: ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING PROVISIONS RELATED TO THE PROCEDURES OF THE PLANNING & ZONING BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after no public comment.

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 5-0 to adopt Ordinance No. 2011-01.



4. PUBLIC HEARING: ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING SECTION 4-2 OF THE PALMETTO CODE OF ORDINANCES TO AMEND THE LOCATIONS WHERE THE SALE OF ALCOHOLIC BEVERAGES IS PROHIBITED WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after no public comment.

**MOTION:** Commissioner Lancaster moved and Commissioner Zirkelbach seconded to adopt Ordinance No. 2011-02.

**Discussion:** Staff confirmed the Morning Breeze is the only restaurant that will be affected by this ordinance. A total review of the rest of the areas in the City where the sale of alcoholic beverages occurs will be addressed.

**Motion on the floor carried 5-0.**





5. PUBLIC HEARING: ORDINANCE NO. 2011-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF PALMETTO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey stated non-substantial clerical issues have been corrected in the ordinance. The only additional change to the ordinance is the last paragraph of Section 6, adding verbiage relating to renewable energy systems, based on the workshop meeting discussion. Attorney Barnebey read into the record a letter received from FPL representative Rae Dowling, which is attached hereto and made a part of these minutes.

Attorney Barnebey estimated that the renewable energy agreement could be ready for Commission consideration within 60 days. Staff was instructed to schedule it for a workshop.

Mayor Bryant closed the public hearing.

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to adopt Ordinance No. 2011-03.**

Mayor Bryant relinquished the gavel to Vice Mayor Zirkelbach. She and Mr. Freeman departed the meeting to execute the Ordinance No. 2011-03.



6. FIRST READING: ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 1.043 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 735 15<sup>TH</sup> AVENUE DRIVE EAST, PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), AN #2011-01)


**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule Ordinance No. 2011-04 for a public hearing March 7, 2011.**



7. FIRST READING: ORDINANCE NO. 2011-05


AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE CITY OF PALMETTO COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 1.043 ACRES GENERALLY LOCATED AT 735 15<sup>TH</sup> STREET EAST; REDESIGNATING CERTAIN LANDS FROM COUNTY RES-6 (RESIDENTIAL 6 UNITS PER ACRE) TO CITY PC (PLANNED COMMUNITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), PA #2011-01)

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule Ordinance No. 2011-05 for a public hearing March 7, 2011.**

 8. FIRST READING: ORDINANCE NO. 2011-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING AND AMENDING THE ZONING TO THE PLANNED DEVELOPMENT MIXED USE (PD-MU) ZONING DISTRICT FOR APPROXIMATELY 21.58 ACRES OF PROPERTY GENERALLY LOCATED AT 600, 700 AND 822 HABEN BOULEVARD AND 735 15<sup>TH</sup> AVENUE DRIVE EAST, PALMETTO; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), approximately 21.58 acres Z#2011-01)

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-06 for a public hearing March 7, 2011.**

 9. FIRST READING: ORDINANCE NO. 2011-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO.09-986 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR A MIDDLE AND HIGH SCHOOL WITH A MAXIMUM OF 1650 STUDENT STATIONS AND AN EDUCATION RELATED GO-KART FACILITY FOR THE PROPERTIES GENERALLY LOCATED AT 600, 700 AND 822 HABEN BOULEVARD AND 735 15<sup>TH</sup> AVENUE DRIVE EAST, PALMETTO, AND LOCATED IN THE PD-MU (PLANNED DEVELOPMENT – MIXED-USE) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), approximately 21.58 acres GDP2011-01)

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-07 for a public hearing March 7, 2011.**

 10. RESOLUTION NO. 2011-08

Resolution to adopt the 2011 CIP budget.

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 Cornwell moved and Commissioner Lancaster seconded to adopt Resolution No. 2010-08.**

Mr. Tusing confirmed that \$3,261,818 is the total amount funded through City funds, loan funds, impact fees and grants, and \$5,407,046 remains unfunded. Commissioner Varnadore asked for clarification that the loan funds [being used for projects] would come back to Commission for approval. Mr. Tusing confirmed his understanding that only the loan funds being used for public buildings would be brought to Commission for approval. Finance Director, Karen Simpson, recommended using the loan funds for the ADA Sidewalks vs. removing funds from the General or Road & Bridge Fund.

Mayor Bryant and Mr. Freeman returned to the meeting.

Mr. Freeman stated that if the ADA Sidewalks is not funded by loan funds (\$25,000), the amount remains unallocated and could be used for a project next year or used for a different project this year. Mrs.

Simpson stated that either spending the loan funds now or next year, or using fund balance to fund the ADA Sidewalks is acceptable, pursuant to Budget Policy.  
Staff read the corrected title of Resolution No. 2011-08, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE 2011-2015 CAPITAL IMPROVEMENT PROGRAM AND ADOPTING THE CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Freeman confirmed that as long as the approved projects are funded within the CIP budget, and projects do not exceed the approved amount, they will not come back to Commission. Mr. Tusing stated he has no objection to bringing everything back to Commission. Commissioner Varnadore stated she wanted to know how the loan funds are spent and requested updates on the projects and their funding. Mayor Bryant stated that grant funding is always sought for City projects.

**Motion on the floor passed 4-1. Commissioner Varnadore voted no.**



**11. RESOLUTION NO. 2011-07**

Resolution to establish budget for the Florida Energy and Climate Commission Grant funds.

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 Cornwell seconded and motion carried 5-0 to adopt Resolution No. 2011-07.**

Mayor Bryant adjourned the City Commission meeting to open the Joint CRA Board and CRA Advisory Board Meeting.

Mayor Bryant reopened the City Commission meeting at 9:15.



**12. RESOLUTION NO. 2011-09**

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, TO PLACE A SIX MONTH SUSPENSION ON THE PROCESSING AND ISSUANCE OF NOISE EXCEPTION PERMITS TO EVALUATE THE IMPACT OF POSSIBLE LONG TERM ELIMINATION OR ANY MODIFICATION OF THE REQUIREMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 2011-09.**



**13. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE**

Discussion ensued on the impact of the Market Study that a centralized location will most likely be target for a new Y. Attorney Barnebey has questioned the grants writer about the results of the study and what the potential impact may be on the grant. Attorney Barnebey confirmed that the release has not yet been received from Manatee Fruit. Mayor Bryant stated that an update will be made during the March 7, 2011 Commission meeting, after a meeting with all the involved parties that is scheduled for Wednesday. A video of a Fox News report was shown, followed by a brief discussion of its contents.


 14. ASR WELL UPDATE

Mr. Tusing referred to the presentation of the ASR well during the workshop meeting, where it was consensus of Commission to move forward with the well and work with SWFWMD on renewing the cooperative agreement. Mr. Tusing discussed the cost of the well vs. an aboveground tank, opining the well is the most economical program. Commissioner Varnadore commented on her questions regarding loan funds during the workshop meeting, stating this is an example of where loans funds will be needed in the future.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to continue pursuit of the ASR program with the Southwest Florida Water Management District that had previously been approved.**

Mr. Tusing advised Commission that a purchase order for the project has been issued, and a work assignment with PBS&J approved. After information is received from SWFWMD he will begin work on the project.

15. DEPARTMENT HEADS' COMMENTS

 Mr. Freeman

Commented on the short week for agenda preparation. Mayor Bryant informed Commission the agenda for the March 7, 2011 meeting will be published Thursday. The workshop meeting will be an overview of Sunshine workshop. The City's other boards will be invited to attend the workshop

 Chief Wells

Reviewed the noise complaint statistics requested by Commissioner Williams.

 Attorney Barnebey

No report.


 16. MAYOR'S REPORT

Thanked Ray Daiuto, Veolia Water, for identifying additional cost savings and for attending the department head meetings.

Displayed signs removed from the road for the new business that was approved. A meeting is scheduled tomorrow with the property owner.

Visited with Morning Breeze last week regarding the process for the ordinance that was adopted this evening.

17. COMMISSIONERS' COMMENTS

 No comments.

Meeting adjourned at 9:30 p.m.

Minutes approved:

James R. Freeman, City Clerk

**DRAFT  
CITY COMMISSION WORKSHOP MEETING  
MARCH 7, 2011  
4:30 PM**

Elected Officials Present:

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

Staff Members Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Scott Rudacille, Assistant Chief City Attorney  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration



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



1. OVERVIEW OF APPLICABLE LAWS RELATING TO THE CREATION AND OPERATION OF THE CITY OF PALMETTO, GOVERNMENT IN THE SUNSHINE, PUBLIC RECORDS, AND ETHICS LAWS.

Attorney Barnebey prepared the overview, which is attached hereto and made a part of these minutes, as a refresher course for elected officials and members of the City's advisory boards. An invitation was extended to all the members of the P&Z, Code Enforcement, Nuisance Abatement, CRA Advisory, General Employees' Pension Plan Board of Trustees and the Police Officers' Pension Plan Board of Trustees, all of which would be subject to the Sunshine laws.

Attorney Barnebey stated the overview is general in nature, and that specific questions should be addressed to him or Attorney Rudacille. A general discussion from Commission and members of the audience was held regarding topics in the overview.

Meeting adjourned at 5:30 p.m.

Minutes approved:

James R. Freeman  
City Clerk


**DRAFT  
CITY COMMISSION MEETING  
MARCH 7, 2011  
7:00 PM**

Elected Officials Present:


Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
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 Well, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 7:00 p.m. She asked that former Mayor Gordon Dole and his family be remembered during a Moment of Silence, which was followed by the Pledge of Allegiance.

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

 Public Comment: Eileen Hoffner, 2103 27<sup>th</sup> Ave. Blvd. W., spoke of the odor emanating from Terra Ceia Bay in the vicinity of her home. She suggested that communication with the citizens could alert them to when excess reuse water is expected so it could be used in irrigating rather than being discharged. Mr. Tusing informed the public that any wastewater discharged must meet drinking water standards. Mayor Bryant commented on the public awareness campaign the City is undertaking regarding the ASR well project.

 Cornelius Jackson, 210 12<sup>th</sup> St. W. spoke of a possible crack house being operated next door to him at 214 12<sup>th</sup> St. W. Mayor Bryant acknowledged the City has already taken steps to address the issue.

 1. CITY COMMISSION AGENDA APPROVAL

**MOTION:** Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the March 7, 2011 7:00 p.m. Agenda.

 2. CONSENT AGENDA APPROVAL


**A) CITY CLERK'S OFFICE**

1. Minutes: February 22, 2011

2. February Check Register
3. Special litigation billings:
  - a. Kirk Pinkerton
  - b. Persson & Cohen, P.A.
4. Special Function Permit:
  - a. The Main Event for April 1, May 6, and June 3, 2011
  - b. Jerry Hill Memorial Kids Fishing Tournament
5. Budget Resolutions
  - a. Resolution No. 2011-06 to establish budget for the Ward I Phase II CDBG grant award
  - b. Resolution No. 2011-10 to establish budget for the Police Department pond Supplemental Site Assessment Report
  - c. Resolution No. 2011-11 to accept, authorize execution and establish budget for the Florida Municipal Insurance Trust (FMIT) Safety Grant award
6. Approval of a three-year lease with Canon Business Solutions for new copiers to be placed at City Hall, Public Works Engineering, Police Department and CRA.
7. Selection of the Energy Efficiency & Conservation Block Grant (EECBG) Grant Administration services, contingent upon applicable contract document review by the City Attorney.

Items 1, 2, 4a, 6 and 7 were removed for discussion.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve items 3, 4b and 5 of the March 7, 2011 Consent Agenda.**

 Item #1 February 22, 2011 minutes: Commissioner Varnadore requested that the minutes be further clarified regarding the CIP discussion. It was consensus of Commission to table the minutes until the next agenda.

Commissioner Varnadore left commission chambers.

 Item #2 February check register

**MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the February check register. Commissioner Varnadore was absent for the vote.**


Commissioner Varnadore returned to the meeting.

 Item #4A Special Function Permit for the Main Event:

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Main Event for April 1, May 6, and June 3, 2011, subject to insurance compliance requirements of the City.**

 Item #6 Three-year lease with Canon Business Solutions: Mr. Freeman explained how the purchasing department had determined the most efficient copier for the departments. The lease will result in a cost savings to the City.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve a three-year lease with Canon Business Solutions for new copiers to be placed at City Hall, Public Works Engineering, Police Department and CRA.**

 Item #7 Energy Efficiency & Conservation Block Grant (EECBG) Grant Administration Services. Mr. Freeman recommended that Commission approve CCI for the grant's administration services. The company currently administers the CDBG grant. This is a 250,000 grant, which must be spent before December.

**MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to approve item #7 on the Consent Agenda, subject to document review by the City Attorney.**

 3. PUBLIC HEARING: ORDINANCE NO. 2011-04 (L. Lynn)

Mayor Bryant announced that because of her prior affiliation with the school as its CFO, and because Vice Mayor Zirkelbach had submitted a Form 8 Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, Commissioner Williams would conduct the public hearing for the next items.

Attorney Barnebey clarified that because the ordinances are related, one public hearing could be held on all four ordinances, but he recommended that separate motions should be made when taking action.

ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 1.043 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 735 15<sup>TH</sup> AVENUE DRIVE EAST, PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), AN #2011-01)

Commissioner Williams opened the public hearing for Ordinance No. 2011-04

At Attorney Barnebey's recommendation, staff read the following three titles:

PUBLIC HEARING: ORDINANCE NO. 2011-05

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE CITY OF PALMETTO COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 1.043 ACRES GENERALLY LOCATED AT 735 15<sup>TH</sup> STREET EAST; REDESIGNATING CERTAIN LANDS FROM COUNTY RES-6 (RESIDENTIAL 6 UNITS PER ACRE) TO CITY PC (PLANNED COMMUNITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), PA #2011-01)



PUBLIC HEARING: ORDINANCE NO. 2011-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING AND AMENDING THE ZONING TO THE PLANNED DEVELOPMENT MIXED USE (PD-MU) ZONING DISTRICT FOR APPROXIMATELY 21.58 ACRES OF PROPERTY GENERALLY LOCATED AT 600, 700 AND 822 HABEN BOULEVARD AND 735 15<sup>TH</sup> AVENUE DRIVE EAST, PALMETTO; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), approximately 21.58 acres Z#2011-01)

PUBLIC HEARING: ORDINANCE NO. 2011-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO.09-986 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR A MIDDLE AND HIGH SCHOOL WITH A MAXIMUM OF 1650 STUDENT STATIONS AND AN EDUCATION RELATED GO-KART FACILITY FOR THE PROPERTIES GENERALLY LOCATED AT 600, 700 AND 822 HABEN BOULEVARD AND 735 15<sup>TH</sup> AVENUE DRIVE EAST, PALMETTO, AND LOCATED IN THE PD-MU (PLANNED DEVELOPMENT – MIXED-USE) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), approximately 21.58 acres GDP2011-01)

Commissioner Williams opened the public hearing for Ordinance 2011-05, Ordinance 2011-06 and Ordinance 2011-07, noting the public hearing had already been opened for Ordinance No. 2011-04.

City Planner Lorraine Lyn provided a staff overview, as follows:

1. Annexation of a single family tract of land
2. Amendment of land use category for the annexed parcel from county RES-6 to City Planned Community
3. Rezoning of the the following property to PD-MU: 1) annexed parcel from RES 4.5; 2) the adjacent single-family lot that is zoned PD-MU; 3) two front parcels on Haben Blvd that was approved as part of Riviera Walk East zoned PD-MU; and the original 8-acre tract for the school that is zoned PD-MU
4. GDP and rezone which covers all 21.58 acres for the school

The land use category is consistent with the Comp Plan, with a FAR of .226, and the go-kart track is a permitted use because of the mixture of residential and commercial uses. Of two modular buildings, one modular building will remain in 2014. The project will be completed in two phases: 1) 42,000 sq ft 3-story classroom and 5,000 stem kart classroom and go-kart track in 2011 and 2) a 47,400 sq ft 3-story classroom.



Ms. Lyn stated the traffic study remains an outstanding issue. She reviewed the stipulations that have been placed on the general development plan pertaining to traffic, as well as the stipulation pertaining to noise at the go-kart track. The only amendment to the stipulations discussed (and as listed in the ordinance) is that the traffic study shall be provided during “final” construction plan review. Some fences being proposed may require a special fence permit. Parking is based on state requirements, and acceptable to staff. The landscape buffer has been met and the 3-story building now has a 36’ set back.

Of the eight maps, staff recommended approval of the master plan, and engineering plan.

Jon Moore, architect for the project, stated the applicant has agreed to meet all the stipulations that staff has proposed.

Commissioner Williams stated that in addition to the letters included in the agenda material, two additional letters have been received and supplied to Commission, and will become part of the record. Mayor Bryant acknowledged she has received many emails and tried to respond to all of them.

The following individuals voiced their concerns regarding the proposed project at the school:

1. Robert Wilson, president of Homes of Riviera Dunes
2. Pat Wilson, president of the Hammocks at Riviera Dunes
3. Carole Dougherty
4. Gary Parrot
5. Carlene Johnson
6. Crystal Schwartz

The following individuals spoke in support of the proposed project at the school:

1. Lauren Pierce
2. Lenell Houser

Ms. Lyn informed Commission that the third map that has been accepted and is being recommended for approval is the lighting plan. She also stated that a stipulation not in the ordinance but placed on the site plan is receipt of the landscape and irrigation plan; the applicant has agreed to provide the plan during construction plan review.

Carlene Johnson and Crystal Schwartz also voiced concern regarding the proposed project.

Commissioner Williams opened the rebuttal period of the public hearing.

Jon Moore stated the landscape buffer on the side of the property abutting Riviera Dunes including the City-maintained ditch equates to approximately 70'. He also confirmed that the decibel level for noise meets the City's existing ordinance; if the proposed level is to be lowered, he opined the City's ordinance needs to be amended.

Frederick Hillier, developer of the course, stated the course is a physics class, not a go-kart or go-kart track course. He stated the course is designed to assist in a decision to enter into design/engineering or performing arts advanced education. He opined existing technologies can make the noise level acceptable.

Terence Devine, Assistant Principal at Manatee School for the Arts, stated the school will continue to work with its neighbors. He spoke to issues that had been raised during public comment, as follows:

- The school hopes to use electric or hybrid engines in the course in the future;
- The insurance liability has been cleared with the school's insurance company;
- The course is not a spectator sport; one person will be on the track at one time;
- The security of the facility will continue to be pursued;
- Since the initiation of the FCAT in Florida, Manatee School for the Arts has had the highest FCAT score in Manatee County

Commissioner Williams closed the public hearing.

Commissioners Varnadore and Lancaster discussed the concerns they had with the project, namely noise, traffic and the required documents that have not yet been supplied.

Commission discussed specific items, as follows:

- The traffic study, which will address the student drop off/pick up area, is due before construction begins; Manatee School for the Arts is aware there is no guarantee they will receive final approval;
- If approved with stipulations recommended by staff, Commission will not see the project again
- If the school doesn't comply with the stipulations placed on the track, it will become a code enforcement issue;
- Noise violations at the site will become a police department issue;
- Charter schools timetable for project review by the School Board; if approved, construction will begin with the foundation of a building, prior to site plan approval; the applicant is aware of the risk prior to site plan approval; construction timetable is critical to allow for the building to be constructed prior to the opening of the next school year
- The applicant has agreed to comply with all the results of the traffic study

Bob Gause, Allison Engineering, opined the insurance is not an issue for the School Board. The proposed vehicles have been approved by the insurance company. The school's contract with the School Board does not restrict the curriculum.

Mr. Devine described the expected operation of the go-kart tract and how those vehicles will be fueled. The lab (for the course) is no more than 20% of the course. Mr. Hillier described topics that would be taught in a "high school physics class themed around the science of motor sports", which is a college level course.

Commissioner Cornwell requested to see the insurance policy and the application on the use of the course in a laboratory situation. She also cited her concerns with the project.

Mr. Devine stated that if the hold up on this project is the motor sports area and lab on the front of the property, they would move to remove it from the general development plan. Mr. Devine confirmed that the school would be amenable to limiting the noise from the track to 8:00 a.m. – 5:00 p.m. vs. the 6:00 p.m. timeframe previously accepted.

Mr. Gause confirmed the landscape plan was previously submitted. The final landscape and irrigation plan is ready to be submitted with the construction plans. He opined there has been an attempt to address the illegal parking at the entrance to Riviera Dunes with a traffic study. He discussed his opinion of the illegal parking being the real issue, and the traffic study may not provide answers, but the site plan can. He also stated the school is willing to work with staff to resolve the parking issues.

Staff confirmed the proposed annexation meets all requirements. Current student parking will not change and access to the new parking area will be through the existing parking lot. There will be only an emergency entrance on 15<sup>th</sup> Ave. Dr. E.

Staff confirmed the open space on the site does not meet the code's 25% requirement. Staff accepted the schools' request to allow the current play area of approximately two acres to serve as open space because of the constraints on the site due to wetlands.

Staff will process this as a small scale plan amendment because of the size of the parcel being annexed. However, because the density is 16 units per acre vs. the state limit of 10 acres per acre, there is a

chance DCA will not accept it as small scale. If that is the case, it will be included in the next cycle amendments to the Comp Plan.

Commissioner Williams divulged he had received a call from Dr. Jones during which they discussed NASCAR and the book Mr. Hillier referred to as the basis of the course. He stated that once he realized the conversation would lead to the land use topic he ended the conversation. Commissioner Williams further divulged that he did not learn anything that has not been discussed during the meeting. He stated his concerns with the project, but also opined that resolution should be sought for the benefit of the students and to accommodate residents in the area. He opined that the school has to address its parking issues.

Commissioner Zirkelbach cited noise comparisons taken from the National Hearing Conservation Association periodical Base Line. He discussed his opinion that a charter school is not given enough time get projects done [in the timeframe established by the School Board]. He, like Commissioner Williams, encouraged that stipulations be developed for the project.

Mr. Devine stated that it is crucial to get the 3-story building approved, as the school is at 100% capacity. The school would be willing to separate the two projects; building and stem kart classroom.

Attorney Barnebey opined limited construction could be allowed on site. Part of the issue on this site is that parking needs to be taken care on the construction plans approved by the city engineer. He also opined that the City is looking for a safety and operational traffic study vs. a study for concurrence.

Discussion ensued on the school's attempt to address parking through its Code of Conduct and parental contracts. Chief Wells confirmed that discussion has already occurred regarding the parking at the site, referring to gates that were opened earlier last year. He stated there is a serious problem with pick up in the afternoon that needs to be resolved immediately, regardless of the proposed project under discussion. Mr. Devine stated the school welcomes a chance to work with the police department to come to a conclusion that will resolve the issue.

Attorney Barnebey confirmed that if the go-kart is removed, it would have to come back as an amended general development plan. If the first two items are approved, the parcel of land would be annexed into the City and receive a Comp Plan designation; the rezone and general development plan can be continued to a date and time certain or approve them with additional stipulations.

**MOTION: Commissioner Varnadore moved, on the recommendation of Mr. Barnebey, Commissioner Lancaster seconded, and motion carried 4-0, to adopt Ordinance No. 2011-04, which is an annexation of 1.043 acres at 735 15<sup>th</sup> Ave. Dr. E., located at the northeast corner of the MSA property. Commissioner Zirkelbach abstained from the vote.**

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 2011-05, which is a small scale plan amendment from RES-6 to PC for 1.043 acres at 735 15<sup>th</sup> Ave. Dr. E., located at the NE corner of the MSA property, as recommended by staff. Commissioner Zirkelbach abstained from the vote.**

Commissioner Cornwell suggested moving the items forward to the March 21, 2011 workshop meeting for discussion prior to the regular meeting. Mr. Tusing opined that no building permits can be issued for any building on the site without GDP approval. Attorney Barnebey stated he could not disagree with Mr. Tusing at this point in time.

Discussion ensued on portables. Commissioner Zirkelbach stated the charter schools must meet the Building Code, even for a temporary use.

**MOTION:** Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 4-0 to continue the public hearing for Ordinance No. 2011-06 to the next scheduled Commission meeting, March 21, 2011 at 7:00 p.m., or as soon thereafter as the item may be heard. Commissioner Zirkelbach abstained from the vote.

**MOTION:** Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to continue the public hearing for Ordinance No. 2011-07 to the next scheduled Commission meeting, March 21, 2011 at 7:00 p.m., or as soon thereafter as the item may be heard. Commissioner Zirkelbach abstained from the vote.

Staff was instructed to schedule the topics for the March 21, 2011 4:30 p.m. workshop meeting.

Mayor Bryant stated that conversation had occurred in the past regarding the island in the approach to the school. She stated staff would be scheduling an appointment to meet with the school regarding the topic.

Mayor Bryant recessed the City Commission meeting at 9:45 p.m. to open the CRA Board meeting.

Mayor Bryant reconvened the City commission meeting at 10:10 p.m.

#### 7. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant stated a meeting is scheduled with the different entities on Thursday. She advised Commission she had signed an agreement extending the due diligence for an additional three months.

#### 8. ASR WELL UPDATE

None

#### 9. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey informed Commission he will be out of town the remainder of the week.

#### 10. MAYOR'S REPORT

Informed Commission the City's flags have been lowered in honor of former Mayor Gordon Dole.

#### 11. COMMISSIONERS' COMMENTS

##### Mr. Zirkelbach

Stated he will discuss the building foundation and the possibility of starting it in violation of the rule with Mr. Tusing.

##### Mr. Williams

Stated he would like the Mayor to aggressively attack the parking issue at the school.

Meeting adjourned at 10:10 p.m.

Minutes approved:

James R. Freeman  
City Clerk