

**TAB 1**


**DRAFT  
CITY COMMISSION WORKSHOP MEETING  
MARCH 21, 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 Present:

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

 Commissioner Zirkelbach called the meeting to order at 4:35. The agenda was amended to consider Ordinance No. 2011-11 first.

 Commission inquired of Attorney Barnebey how a quasi judicial item could be presented at a workshop meeting for discussion purposes before a public hearing. Attorney Barnebey recommended that because of the way the law is written for quasi judicial items, all discussions on the item should be on the record only during a public hearing, because an appeal on either side would be based on that record. He confirmed that a public hearing for a quasi judicial item could be noticed to begin at the 4:30 workshop meeting for discussion purposes and then be continued to the 7:00 agenda for public comment.

 1. ORDINANCE NO. 2011-11

Attorney Barnebey discussed the reasons for removing the requirement that Commission must approve the monthly check register. Commission discussed the topic and concurred that the check register should be included on a Commission meeting agenda for informational purposes only.

 2. PROPOSED PROCEDURES FOR CITY COMMISSION MEETINGS

Discussion ensued on a quasi judicial item public hearing beginning during a workshop meeting. There was a general consensus of Commission to not amend page 3, item #4 "Workshops shall not be held for quasi-judicial matters being considered by the City Commission."

The document was amended to limit individual public comments to two minutes.

Discussion ensued on the speaker times allotted for land use issues. Presenters can request more than the allotted 15 minutes for complicated items. The request can be made in writing, before the scheduled presentation. No amendments were made to the document.

The speakers card will be amended to more accurately reflect why a speaker has signed up to speak, i.e. representing an organization, is offering comments as proponent or opponent, rebuttal, etc. Persons

representing an organization should provide a statement in writing that they are authorized to speak for a group. The applicant should be made aware of the proper procedures for a presentation.

It was suggested that the document be amended throughout to add a mayor's "designee". A definition for Mayor will be included at the beginning of the document. The document will also be amended to reflect across the board that the Mayor or designee, or Commission by motion, can extend the time afforded to a speaker.

Discussion ensued on the section titled Request for Full City Commission. Attorney Barnebey confirmed that the language automatically grants one request only, but only if the request is made before a vote occurs. The continuance of the public hearing does not have to be on the next scheduled meeting's agenda, but has to be continued to a specified date and time. The Commission has the ability to continue a public hearing, even if it is the hearing that was continued as a result of the applicant's request for a full Commission. The document was accepted as written by a majority of the Commission. Commissioner Cornwell did not support the language.

The section titled Non-Public Hearing Matters and Workshops will be amended to add that "generally public comment is not allowed". Discussion ensued on whether the language should be changed to reflect that the City Commission allows for public comment and grants extensions, rather than the Mayor. Attorney Barnebey confirmed that the rules as written allow the Commission, by motion, to overrule the Mayor on a procedural matter.

Commissioner Cornwell stated she could not support the document unless it is made clear that no one entity can control a meeting.

The section titled Termination of Presentations will be amended to also allow the Commission, by motion, to terminate a presentation; use the same language, "Mayor or Commission request" previously stated in the Rules and Procedures.

Discussion ensued on the section Voting and Reconsideration. The language will be amended to reflect that a request for a roll call vote must be agreed to by a majority of the Commission. Attorney Barnebey will add language to establish at what point during an item a vote can be changed.

The review will continue with the section titled Tie Votes, page 16.

It was consensus of the Commission to continue the review of the Rules & Procedures, provided the 7:00 p.m. meeting ends by 9:00 p.m.

Meeting adjourned at 6:00 p.m.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT  
CITY COMMISSION MEETING  
MARCH 21, 2011  
7:00 PM**

Elected Officials Present:

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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 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.

Proclamation: Water Conservation Month – April, 2011

Accepting: Terri Behling, Senior Community Affairs Manager, Charlotte, DeSoto,  
Manatee and Sarasota Counties, Southwest Florida Water Management District

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

Chief Rick Wells presented Detective Chad Oyler, the 2010 Police Officer of the Year.

Public Comment: Comments shall be limited to two minutes on non-agenda items. Commission does not generally take action on any matter raised during these public comments, but may direct the matter to be placed on the agenda of a future meeting, if appropriate.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the March 21, 2011 7:00 p.m. agenda.**

2. CONSENT AGENDA APPROVAL

**A) CITY CLERK'S OFFICE**

1. Minutes: February 22, 2011  
February 28, 2011  
March 7, 2011

2. Budget Resolution No. 2011-12  
Resolution No. 2011-12 provides funding for a Police Department Driving Simulator.

**MOTION: Commissioner Zirkelbach moved and Commissioner Williams seconded to approve the March 21, 2011 Consent Agenda. AZ/BW**

Mr. Tusing corrected the February 28, 2011 Workshop minutes to show that the State of Florida put all the ASR wells on hold because of arsenic issues, not just the City's project.

Commissioner Cornwell pulled item #2 for discussion.

**The motion on the floor was amended by the makers to approve item #1, with the correction to the minutes as stated. Motion carried 5-0**

#2 Resolution No. 2011-02

Chief Wells confirmed that the Police Department would participate with the North River Fire District (NRFD) and the Parrish Fire District, by reimbursing NRFD 1/3 of the cost of the simulator.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve resolution No. 2011-12.**

3. PUBLIC HEARING: ORDINANCE NO. 2011-06 AND ORDINANCE NO. 2011-07

Mayor Bryant relinquished control of the Commission meeting to Commissioner Williams. She stated she did not want there to be any type of perceived conflict of interest on her part because of her prior employment in the school. She also announced that Commissioner Zirkelbach would abstain from the vote because of a conflict of interest. Commissioner Zirkelbach confirmed he had filed the required Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

Commissioner Williams reopened the public hearings for Ordinance 2011-06 and Ordinance 2011-07 continued from March 7, 2011.

Mr. Tusing presented a staff update, stating the school has provided a plan to address the traffic concerns on Haben Blvd. that were voiced March 7, 2011. He also stated staff is satisfied with the curriculum on the karting and the time that will be spent on the track. Mr. Tusing stated staff recommends approval of the project, with the following stipulations:

1. The landscaped buffer on the south side of the property shall meet the requirements of the PDMU zoning district.
2. Open space shall be provided as depicted on the General Development Plan.
3. All buildings shall meet the setbacks as shown on the General Development Plan, and the northernmost 3-story building shall be setback a minimum of 36 feet from the perimeter of the property.
4. Parking shall meet SREF (state requirements for educational facilities) in effect at time of the adoption of this Ordinance.
5. The karting track may only be utilized for educational purposes from 8:00 a.m. through 5:00 p.m. (changed from "daylight hours" based on March 7, 2011 Commission comments), with no more than one kart on the tract at a time. No person shall operate or cause to be operated any karting vehicle which when measured at any property line of the property where the sound is being generated exceeds sixty (60) dBA at the property line. The method of measurement of sound shall be made at the real property line of the property on which such sound is generated or on the receiving land, as appropriate, approximately five (5) feet above ground.
6. Applicant shall provide adequate on-site stacking spaces for both the morning drop-off and afternoon pick-up of students to ensure that there is no stacking of vehicles on Haben Boulevard at any time during the school day, related to Manatee School for the Arts. Upon application and request of the Applicant, the Public Works Director, after consultation with the City Engineer, may approve amendments to the Final Site Plan and construction drawings, or at any time thereafter,

to prevent the stacking of cars on Haben Boulevard, without further review by the City Commission.

7. The temporary parking lot located at the southwest corner of the site must be paved to City parking lot standards prior to issuance of a TCO or CO for the 3-story, 42,000 square foot classroom building located at the northeastern corner of the site.

Using the site plan, Mr. Tusing reviewed the traffic plan the school has developed to address the parking on Haben Blvd., the location of the new building, the go-kart track, which will utilize an existing internal paved road, the landscaping around the perimeter of the property, and the wetlands that will serve as a buffer. He also confirmed that the go-kart track is being approved because it was included in the application. He also stated the applicant has now submitted a complete application, with no outstanding items.

Attorney Barnebey confirmed it is the school's responsibility to assure the safe operation of the school and the safety of the students, not the City's.

Commission discussed the go-kart track and stipulations placed on it. Mr. Tusing stated the applicant has agreed to all the recommended stipulations.

Dr. Bill Jones, president of Renaissance Arts & Education, and Terence Devine, assistant principal of Manatee School for the Arts narrated a presentation consisting mainly of the school's accomplishments.

The following individuals spoke in favor of the project: Rita Bernot, Julie Castaneda, Amie Golden, Gregg Golden, Megan Golden, Gabrielle Jarmosko, Karen Lanese, Keenan Kintz, Chris Marriner, James Kisacky, Pam Martin, Matthew Quick, Theresa Quick, Rebecca Rose, Anthony Santaniello, Nicole Schmidt, James St. Esprit, Isera Tyson, Maria Wirries, Sharon Underwood and David R. Kraner.

Chief Rick Wells informed Commission that the school has addressed the traffic issue, as requested.

Commissioner Williams closed the 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)

**MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 2011-06, which is a rezoning of 21.58 acres from PD-MU, RSF 4.5, PD-MU, and PD-MU to PD-MU, as recommended by staff. Commissioner Zirkelbach abstained.**

#### 4. PUBLIC HEARING: ORDINANCE NO. 2011-07 (L. Lynn)

(TAB 4)

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 Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to approve with conditions the proposed General Development Plan, and adopt Ordinance No. 2011-07, as recommended by staff, with conditions A through G, with the change to condition E to read: The karting track may only be utilized for educational purposes from 8:00 a.m. through 5:00 p.m., with no more than one kart on the tract at a time. Commissioner Zirkelbach abstained.

Mayor Bryant recessed the meeting for five minutes.

5. 1<sup>st</sup> READ & 1<sup>st</sup> PUBLIC HEARING: ORDINANCE NO. 2011-10

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES; ZONING CODE, TO ADD COMMERCIAL APARTMENT AS A DEFINED TERM, AND TO ADD COMMERCIAL APARTMENT AS A PERMITTED USE IN THE GO, CN, CC, AND P ZONING DISTRICTS AND AS A CONDITIONAL USE IN THE CG AND CHI ZONING DISTRICTS; 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 Cornwell seconded to schedule the second public hearing for Ordinance No. 2011-10 for April 4, 2011.

Commission discussed the one property to which this ordinance text amendment would apply. Staff confirmed that as future sites are considered, City parking requirements will have to be met.

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

6. 1<sup>st</sup> READING: ORDINANCE 2011-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REVISE PROVISIONS RELATED TO THE CITY CHECK REGISTER; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to schedule Ordinance No. 2011-11 for a public hearing April 4, 2011.

7. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Commission requested that the topic be placed on an upcoming agenda for discussion about how the City will proceed with the fields.

8. ASR WELL UPDATE

Mr. Tusing stated the permit modification with FDEP from test to full well has begun. He discussed the success of the I&I program.

9. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

No report.

Mr. Freeman

The CAFR was finished this week and will be scheduled for a future workshop.

He has received preliminary tax assessments, which show just under a 7% reduction in property value, which equates to approximately a \$200,000 impact. Staff will begin work on the budget in the next several months.

Chief Wells

No report.

Mayor Bryant commented on the excellence of the simulator program. She commended the department heads on searching out grant funding.

Mayor Bryant

Alerted Chief Wells on feral dog packs in Riviera Dunes.

Attorney Barnebey

A portion of the sign ordinance for area of interchange 301/41 will be brought to Commission in the near future. A joint meeting with the P&Z Board meeting will be scheduled.

10. MAYOR'S REPORT

Discussion ensued on why Haben Blvd is advantageous for big trucks. Because of the federal grant awarded recently to resurface the street, Mr. Tusing will research whether the trucks can be prohibited. He opined that the City can prohibit the practice of using jake brakes.

Commented on the attendees at the Jet Park community meeting. The next meeting is scheduled for Saturday at Palmetto Youth Center. She asked that she be notified if Commissioners cannot attend. She discussed the meetings she and the Chief have attended, and inquired if Commission wished to continue the meetings. Mayor Bryant stated that rather than set up specific meetings on Saturday, she will invite the Commissioners and they can attend if possible. Some of the Commissioners cannot attend during the weekday.

Opined tonight's public hearing was very productive and informative.

11 COMMISSIONERS' COMMENTS

Ms. Varnadore

Regarding the ball fields, she suggested that if the Manatee Fruit contract is terminated, the Commission should look at whether the City should continue as facilitator or present the Manatee County Commission a check for the proceeds from the sale. General discussion ensued on the topic. Mayor Bryant offered again to meet with the Commissioners, on their schedule on this or any other topic.

Mr. Zirkelbach

Stated his satisfaction in seeing the school project approved.

Mr. Williams

No report.

Ms. Cornwell

Mr. Burton confirmed that Commissioners should direct any businesses interested in relocating to Palmetto to the CRA. The Mayor stated he and Mr. Burton are in the process of meeting with all the businesses to apprise them of the incentives available. Mr. Burton spoke of the advertising the CRA is undertaking. A list of CRA capital projects will soon be provided to the CRA Board.



Ms. Cornwell commented on the changes being made in the workshop protocol. Mayor Bryant explained why it is important to adopt Rules and Procedures being reviewed. Attorney Barnebey discussed the topics to which Roberts Rules do not apply. Ms. Cornwell specifically mentioned the Personnel Policy and Sign Ordinance as topics she would like to see on a workshop agenda.

**MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to extend the meeting 15 minutes.**

Mrs. Lancaster

Commented on the positive appearance of 17<sup>th</sup> Street.

Expressed satisfaction that Phase 2 has started. She has not received one complaint.

Mr. Williams

Commented on the validity of some of Ms. Cornwell's comments regarding Roberts Rules. Suggested it may be necessary to have a parliamentarian, because of the new procedures being considered. Mayor Bryant asked the Commission to consider the Rules and Procedures before the next meeting. She opined there are inconsistencies across the board in how matters are handled.

Mr. Tusing

The lights on 17<sup>th</sup> Street are now operating.

Verizon has secured the permit for the cell tower.

Mayor Bryant again asked that Commission consider the Rules and Procedures before the next meeting.

Meeting adjourned at 10:10.

Minutes approved:

James R. Freeman  
City Clerk