

TAB 1

**DRAFT
CITY COMMISSION WORKSHOP MEETING
APRIL 4, 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
James R. 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 4:30 p.m.



1. PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REVIEW (CAFR)

Mr. Freeman presented the results of the FY 2010 CAFR. Topics reviewed were City major initiatives achieved, major initiatives planned for 2011 and future years; and the City's financial highlights. He stated he was very pleased with the state of the City finances included in the CAFR.

The City's external auditor, CPA Associates, was represented by Tommie Barrie, and Jeff Gerhard, the audit manager. Ms. Barrie commented on the unqualified opinion granted to the CAFR and stated the audit revealed no issues regarding internal controls or compliance in accordance with government audit standards. A single audit was mandated under Federal and State requirements because the City was awarded grant funds exceeding \$500,000; both grants were in compliance. Ms. Barrie commended Mr. Freeman, Ms. Simpson and their team members for their professionalism displayed during the audit; Mayor Bryant concurred with the comment.



2. SIGN ORDINANCE TEXT AMENDMENT

Ms. Lyn explained the proposed ordinance discusses only the area between 3rd Ave. and Haben Blvd. on 10th St., delineating it as a highway interchange area to allow additional height and a larger base for free-standing, single use commercial sign face sizes. The proposed ordinance is being offered for consideration because McDonald's removed its sign for a safety inspection and now wishes to reinstall it but the sign does not meet the code.

The P&Z Board supports an increase in height, recommending 85' with the intent not to make any sign non-conforming. Ms. Lyn stated staff supports the current sign ordinance's maximum of 30' height and 150 sq feet of signage. Should Commission choose to identify a special district, she recommends a maximum of 60' in height and 120 square feet for signage. A sign of 400 square foot is based on the existing Wendy's sign.

Ms. Lyn was asked to obtain the roadway elevation at the height of the bridge, as there is an established calculation to assist in determining an appropriate height and sign size. She was asked to provide the information reviewed by the P&Z Board. Another discussion point Ms. Lyn was asked to check is the safety of the surrounding businesses should the proposed pole [McDonald's] fall.

Discussion ensued on establishing an area to accommodate only a few of the businesses in the proposed corridor vs. going east to the end of the City limits.

Attorney Barnebey stated the P&Z Board has held only a workshop on the topic, a public hearing will be held April 13, 2010. The existing sign code, Ordinance No. 286, became effective in 1986 and gave all signs until 1994 to come into compliance, but the City has not enforced the sign ordinance. Attorney Barnebey recommended enforcing the code or changing it. At this time the Burger King and Wendy's signs are illegal.

Mayor Bryant commented on the proposed district being in the Enterprise Zone, which was created to encourage businesses to come into the City. She discussed the research conducted by large restaurant chains that supports the importance of signage to the businesses.

McDonald's may request a 70' to 75' sign at 320 to 400 square feet; Burger King is 55' high and Wendy's is 85' high and larger than 40 square feet. Using Mr. Tusing's known height of the overpass and estimated additional roadway at the interchange in the proposed district, Commissioner Zirkelbach, using a calculation from Elliott's Rules to determine signage height, stated an optimum sign off the bridge would be 55' to 109' tall; which would support Ms. Lyn's recommendation. Another factor to consider would be the lettering on the sign.

Commissioner Lancaster opined the ordinance is unfair to other businesses in the City. Commissioner Varnadore agreed, stating she would only support a 60' maximum sign in the district. Commissioner Zirkelbach stated he is a "ground sign person".

Attorney Barnebey recommended that if Commission instructs that the code is to be enforced then businesses with illegal signs must be noticed in a reasonable period of time, and that they should be given a minimum of six months to bring their signs into compliance. Businesses can also seek a variance to the sign ordinance. He cautioned that the City could face litigation in some instances.

Ms. Lyn was asked to provide an inventory of the signage along Hwy 301 out to the City limits.

The topic was carried forward to the 7:00 meeting for Commission action.

3. EDENFIELD PROPERTY DISCUSSION

Mr. Tusing informed Commission that staff had gone before DEP with the site assessment on the Edenfield property. DEP wants the City to take remedial action to remove some of the soil on the site, which he estimates will be approximately \$80,000. He will bring costs estimates to remediate the site to residential, commercial and park standards and a plan for the most economical use of the property.

Meeting adjourned at 5:55 p.m.

James R. Freeman
City Clerk

**DRAFT
CITY OF PALMETTO
CITY COMMISSION MEETING
APRIL 4, 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 Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration


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

 Proclamation: Child Abuse and Neglect Prevention Month, April, 2011
Accepting: Lakay Fayson, Recruitment Coordinator, One Church, One Child
Pastor Beverly Lane, President, State Board of Directors, One Church, One Child

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

 Tartan Day April 6, 2011
Accepting: Bob Greene, Event Chair, South Bay Chapter, New World Celts
Todd MacClinchy, President, South Bay Chapter, New World Celts

Public Comment: None

 1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the April 4, 2011 7:00 PM Agenda, with the removal of item #5.

 2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes: March 21, 2011

2. Budget Resolutions

a. Resolution No. 2011-13

Allocation of proceeds of auctioned police vehicles.

b. Resolution No. 2011-14

Transfer of Ward I Phase 2 engineering services funding from CRA to City.


B) PUBLIC WORKS

1. Florida Department of Transportation Compensation Agreements
 - a. FY 2011/2012 Highway Lighting, Maintenance & Compensation Agreement #AM860
 - b. FY 2011/2012 Traffic Signal Maintenance & Compensation Agreement

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded to approve the April 4, 2011 Consent Agenda.

Discussion: The Florida Department of Transportation Compensation Agreements were reviewed prior to approval.


Motion on the floor carried 5-0.

 3. 2nd READ & 2nd 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. After no public comment, the public hearing was closed.


Discussion ensued regarding parking requirements. One parking space per residential unit, in addition to the commercial parking requirement, must be supplied or a variance from the Planning Dept. must be obtained. If the 20% shared parking requirement is not met, Commission would have to be petitioned for the variance. Conversion of commercial usage into a residential use may also reduce required commercial parking requirements.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to adopt Ordinance No. 2011-10.

 4. PUBLIC HEARING: ORDINANCE NO. 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.

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

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Ordinance No. 2011-11.

 5. 1ST READ: ORDINANCE NO. 2011-08
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 HOUSING (PDH) ZONING DISTRICT FOR APPROXIMATELY 1.66 ACRES OF PROPERTY GENERALLY LOCATED AT 4009 11th STREET COURT WEST, PALMETTO; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 acres)

Discussion ensued on the procedure for Commission's review of proposed projects. Attorney Barnebey reiterated that Commission discussion regarding proposed projects should occur during the public hearing at 7:00 p.m. He concurred that a special Commission meeting can occur at 4:30, with the public hearing continued to the 7:00 meeting. Another alternative would be to hold the public hearing during the 7:00 meeting and continue it two weeks to allow staff the opportunity to acquire any information requested by Commission. Attorney Barnebey also concurred with Commissioner's Zirkelbach suggestion that questions can only be presented to the City Planner at the first reading, with answers presented during the public hearing.

Commission requested the following information on the proposed project:

- How close are the driveways? Should there be one driveway with an internal drive rather two driveways onto 10th Street, given the proximity of the bridge?
- Are the streets designed to allow sufficient mobility for garbage and fire trucks?
- Regarding the shared stairwell, how will residents exit the units?

Attorney Barnebey informed Commission the application is missing one item. If it is not received, he will make a recommendation to continue the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule a public hearing for April 18, 2011.

 7.1st READ: ORDINANCE NO. 2011-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 06-911 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR TWELVE SINGLE-FAMILY DETACHED DWELLING UNITS GENERALLY LOCATED AT 4009 11th STREET COURT WEST, PALMETTO, AND LOCATED IN THE PDH (PLANNED DEVELOPMENT – HOUSING) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 acres)

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule a public hearing for April 18, 2011.

 8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Work continues on this site and alternate sites to see which site is the most logical choice.

 9. ASR WELL UPDATE

A letter has been sent to DEP asking for a well construction modification and request for administrative order so the design process can be started.

The recent eight inch rainfall in three days reinforces the necessity of obtaining storage capacity during the rainy season. Discussion ensued on the capacity at which the treatment plant is running and the smoke testing that will be performed to identify more of the inflow and infiltration sites. Mr. Tusing confirmed the new I&I grant has been submitted and staff is researching additional grant opportunities. Mr. Freeman will check the appropriation for the I&I program. Mayor Bryant suggested that staff simultaneously perform as much of the work as possible to speed the process of spending awarded grant funds.

Mayor Bryant spoke of the meetings that will be planned for the fall in the mobile home parks and community to present information on water conservation.

Mr. Tusing confirmed the permit modification for the construction of an off-site holding pond has begun. Information on the work assignment will be brought to Commission in the near future. More information will be available after speaking with DEP.

10. DEPARTMENT HEADS' COMMENTS



Mr. Tusing

Presented Commission a refund check from the Veolia Water contract allocation for return of maintenance expenses budgeted but not used in the amount of \$94,986.95. He will bring forth a budget resolution to place the funds into the CIP for the wastewater treatment plant. He discussed the possibility of using \$40,000 to be used next year for the odors and gases in the collection system.

Mr. Freeman

No report.



Chief Wells

Reported on the communications between the Sheriff's Office and Bradenton Police Department on the robberies occurring in the county, two of which occurred in the City.

Reported that crime statistic numbers are drastically down for the first quarter vs. the first quarter of 2010.

Attorney Barnebey

No report.



11. MAYOR'S REPORT

The next community meeting is at Tropic Isles on Saturday.

Reported she had attended the MPO meeting on March 28, 2011, and the Manatee School for the Arts groundbreaking on March 28, 2011. The Palmetto Elementary School dedication is May 2, 2011 at 6:30 p.m. Commission may have to adjust the meeting schedule for that date to attend the dedication.

Confirmed that all Commissioners have a key and alarm code to City Hall.

12. COMMISSIONERS' COMMENTS



Ms. Varnadore

A spreadsheet for the community meeting data will be prepared and distributed to Commission.

Code enforcement issues will be placed on an agenda before the budget begins to determine if additional funding is necessary. There is a possibility CRA will be funding a temporary task force for code enforcement in the CRA district. The length of time to resolve a code enforcement issue was discussed.

Mr. Zirkelbach

No report.



Mr. Williams

Chief Wells reported there have been no complaints received on the computer café.

Reported the car lot north of town has exceeded the permitted number of cars that can be parked on the front lot.

Discussion ensued on the monitoring of items on which conditions have been placed. Mayor Bryant discussed the plan to incorporate all the data so it can then be linked to a calendar.



Ms. Cornwell

A memorial for the Manatee School for the Arts teacher will be held at the Civic Center. Ms. Cornwell suggested the issuance of a proclamation for Mr. Ellis.

Commented on the issue that was created in the Manatee School for the Arts process because of the wording in calling the track a go-kart track. She suggested verbiage needs to be generic unless what is presented is named as a specific use.

Commented on the March 17, 2011 P&Z Board minutes old business topic regarding the serving of alcohol within 300' from church. She reported that at a meeting of Historic Board they made comment that they do not want to sell alcohol on that property because of the responsibility or liability for historic items in the museum.



Mrs. Lancaster

Referring to the community meetings, it appears people did not have a whole lot of issues and most were resolved at the meeting.

On 13th St next to 710, the City partially fenced a vacant lot which Oakridge had fenced. Because a portion of the fence is down, the lot is becoming a nuisance. Staff will look at the topic. Mr. Freeman reported code enforcement has cleaned the lot and it is being maintained. Code Enforcement will look at again.

The National Clean Up Day is April 16, 2011. Relay for Life is April 8 and 9, 2011. The Ribfest is also this weekend.

Meeting adjourned at 9:00 p.m.

Minutes approved:

James R. Freeman
City Clerk