

TAB 1

**DRAFT MINUTES
CITY COMMISSION WORKSHOP MEETING
OCTOBER 3, 2011
4:30 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor (entered 4:58 p.m.)
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Commissioner, Ward 1, - Vacant
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Mark Barnebey, City Attorney
Lorraine Lyn, City Planner
Karen Simpson, Finance Director
Deanna Roberts, Administrative Assistant

Vice Mayor Zirkelbach called the meeting to order at 4:34 p.m.

1. FY2012 CAPITAL IMPROVEMENT PROGRAM

City Clerk Jim Freeman presented the five-year Capital Improvement Program to the City Commission. The total for the five years is \$19,892,672. He gave an overview of the current year, 2012, which began on October 1, 2011. The spreadsheet and attachments A-D are attached to the minutes.

Of the \$8.7 million identified for the current year, \$4.6 million is funded and the balance is unfunded. The funded amount includes loan funds of \$1.2 million and \$1.7 million is fund balance, impact fees or grant funding.

Mr. Williams asked about the \$63,000 encumbered for the 7th Street Extension Project. Mr. Freeman explained that it is an expense the City expects to incur in the future. Mr. Tusing said this is to continue 7th Street straight across and around the Civic Center to Haben Boulevard. Discussion ensued regarding Rivera Dunes' responsibility to extend the egress along 301. Mr. Tusing did not believe this was part of the 7th Street light. Mr. Barnebey said the City is working hard to get that roadway improvement in place. He will bring this back at a later date. Commissioner Varnadore asked for a report.

Mr. Freeman directed Commission to Attachment C. He explained that the City funds capital projects with loans or grants. Finance proposes a plan to use Fund Balance reserves when possible and still adhere to guidelines and have adequate reserves in place. The plan is explained on Attachment C. The three funds in the proposal are well within the threshold for minimum reserves.

Commissioner Cornwell asked if there were projects Road and Bridge could fund since it is well above the six-month threshold. Commissioner Varnadore suggested the 13th Street Drainage Project.

Mr. Freeman reminded Commission that the Fund Balance Policy is for unforeseen emergencies. The City needs something in reserves to handle those emergencies. This plan looks at a way to help complete capital projects without spending all the reserves.

Mr. Williams asked the Mayor to get with the county to get an economic forecast. Has the 3-6 months threshold for reserves changed in light of the current economy? Mayor Bryant said she is in favor of more

than 6 months in case of a major hurricane. Mr. Freeman said he is comfortable with the 3-6 mos. range, but he would like to stay in the middle to the upper end of the range.

Commissioner Cornwell commended Finance on its planning stating that other entities have struggled far more than the City. The City has seen tremendous gains with very little funds. She would like to see the City move forward with some of the projects, especially the ASR well.

Mr. Freeman commented that based on policies put in place, the City will soon meet the threshold in Stormwater and Reuse funds and have money available in those funds for use for capital projects. Finance may begin the process of allocating reserves as part of the operating budget. This year \$500,000-\$600,000 of Fund Balance will be allocated towards capital projects.

Mr. Freeman discussed the City's existing debt reflected on Attachment D. Commissioner Varnadore asked for a breakout of what the debt service is actually costing the City in interest.

Commissioner Varnadore asked about the debt service on the CRA loan. She would be in favor of paying it back instead of paying interest on approximately \$1 million that is just sitting there. Mr. Burton informed Commission that even though the loan is restrictive, it could be used for the Riverside Park gateway project, and he is waiting for the county to make a decision on that project. The loan criteria could be modified and the money used for that project. If it doesn't work, he will pay down the loan. Mayor Bryant informed Commission that she intends to meet with them each individually regarding the proposed gateway projects.

Mr. Burton commented that unless parking can be found for the boat ramp he would suggest removing the boat ramp. Discussion ensued on whether that would be possible.

Mr. Freeman said he will bring the CIP Plan back on the 17th for approval. Commissioner Varnadore requested that it go to workshop first, and she said she is interested in seeing if any more Road and Bridge funds could be used for the 13th Street Drainage Project, as that is a major need in her district.

Regarding the boat ramp, Mr. Tusing commented that the City owns the land, but the county installed the boat ramp and maintains it. He thinks there has to be an agreement somewhere for the installation of the boat ramp. The City maintains the parking, but the county maintains the ramp and the dock.

Mayor Bryant opined that she would really like to see the boat ramp expanded in light of the projects the river will be used for, especially rowing. She will be sending a letter to the Chair of the County Commission requesting that they perform a study to see if the boat ramp needs to be dredged. This would be the first step before approaching WCIND for funding.

Mr. Barnebey said he is doing a title search to see if the lost agreements for the boat ramp can be found.

2. CONDITIONAL USE PERMIT STANDARDS

This item was postponed indefinitely.

3. PROPOSED ORDINANCE REVISING DEVELOPMENT REVIEW PROCEDURES

Mr. Barnebey stated that Lorraine Lyn's title will be Planning Supervisor instead of Director. According to the Attorney General, the Development Review Committee (DRC) is a Sunshine Law committee. They have specific duties and can make final decisions. They have authority on certain permitting. Staff members cannot talk about a project except in public meetings. The better way to handle it is to assign the duties of the DRC to the Planning Supervisor with the assistance of staff. It will minimize the potential for Sunshine Law issues that exist currently.

Commissioner Zirkelbach said there has been a high turnover in the Planner position in the last few years. He would like to see a secondary person named in the document in the event of a planning vacancy. In the City of Bradenton, it is the City Clerk. Mr. Barnebey said he could add "the Public Works Director, or his designee."

Commissioner Cornwell asked if Mr. Barnebey had reviewed The Accord. Mr. Barnebey said he had, and this will not impact The Accord.

Currently the DRC is a public meeting, minutes must be taken and no discussion is permitted outside of the meeting. The proposed ordinance would make it a staff-level meeting. Mr. Tusing said he cannot talk to Ms. Lyn outside of the DRC meeting under the current ordinance.

Commissioner Varnadore referenced Section 4. 11-11, which says that if an item does not require Commission review, it goes to Commission within a reasonable period of time for informational purposes only. An item may be completed before Commission is even aware of it. She commented that they may want to see something way before it is approved, as constituents might call with questions and Commissioners may not have any knowledge.

Mr. Barnebey asked Commission to decide how much information it wants. Mayor Bryant asked for a comprehensive list of the types of things that should come to Commission. Mr. Barnebey will bring a list to the next workshop.

3. ADJOURNMENT

The meeting adjourned at 6:03 p.m.

Minutes approved:

James R. Freeman, City Clerk

Draft Minutes
CITY COMMISSION MEETING
OCTOBER 3, 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
Ward 1 Commissioner - Vacant
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Chief Wells
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

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

All persons intending to address City Commission were duly sworn.

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to approve the October 3, 2011 Agenda.

Commissioner Varnadore advised Commission that she will be filing a Voting Conflict Form for Items 7-10.

2. CONSENT AGENDA APPROVAL
CITY CLERK'S OFFICE

1. Minutes: September 26, 2011
2. Special Function Permit:
 - a. First Fridays, December 2, 2011
 - b. Veterans Day Parade November
3. Special Legal Billings:
 - a. Kirk Pinkerton
 - b. Bryant Miller Olive
4. Department of Agriculture Grants Amendments #1
 - a. FECC Energy Initiative #17657 (formerly #ARS016)
 - b. FECC Clean Energy #17676 (formerly #ARS050)
5. Company Care Provider Letter of Agreement: Renewal to expire September 14, 2012

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded, and motion carried 4-0 to approve the October 3, 2011 Consent Agenda.

Mayor Bryant informed Commission that she had received a request from the Roy family to continue the public hearings to November 7, 2011.

Mayor Bryant opened the public hearings for items 3, 4, 5 and 6.

3. PUBLIC HEARING: ORDINANCE NO. 2011-21

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 4.3 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 2007 21ST STREET WEST, PALMETTO; AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-03 Applicants: Pamela Roy, Brian and Heidi Allwood)

4. PUBLIC HEARING: ORDINANCE NO. 2011-22

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 4.3 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 21ST STREET WEST, FROM RESIDENTIAL-3 (COUNTY) TO RESIDENTIAL 4 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA-2011-03 Applicants: Pamela Roy, Brian and Heidi Allwood)

5. PUBLIC HEARING: ORDINANCE NO. 2011-23

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 4.3 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 21ST STREET WEST, PALMETTO, FROM SUBURBAN AGRICULTURE (A-1) (COUNTY) TO PLANNED DEVELOPMENT HOUSING (PD-H) (CITY); REZONING APPROXIMATELY 3.68 ACRES OF PROPERTY GENERALLY LOCATED AT 2011 21ST STREET WEST, PALMETTO, FROM ESTATE RESIDENTIAL (ER) TO PLANNED DEVELOPMENT HOUSING (PD-H); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-03 Applicants: Charles and Pamela Roy, Brian and Heidi Allwood)

6. PUBLIC HEARING: ORDINANCE NO. 2011-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN AND PRELIMINARY PLAT FOR 8.01 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 AND 2011 21ST STREET WEST, PALMETTO, AND LOCATED IN THE PLANNED DEVELOPMENT - HOUSING (PD-H) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP-2011-03 Applicants: Charles and Pamela Roy, Brian and Heidi Allwood)

There being no public comment, Mayor Bryant closed the public hearings.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and motion carried 4-0 to continue the four public hearings to November 7, 2011 at 7:00 p.m., or as soon thereafter as they can be heard.

7. PUBLIC HEARING: ORDINANCE NO. 2011-25

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.7 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 700 17TH STREET WEST, 702 17TH STREET WEST AND 1703 7TH AVENUE WEST, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 1, 18, 19 AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-04 Applicant: Varnadore Properties, LLC)

Mayor Bryant opened the public hearing. She announced that applicant Raymond Varnadore was present for the hearing. There being no public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-25.

8. PUBLIC HEARING: ORDINANCE NO. 2011-26

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17TH STREET WEST, 702 17TH STREET WEST, AND 1703 7TH AVENUE WEST, PALMETTO, FROM RETAIL/OFFICE/RESIDENTIAL (COUNTY) TO GENERAL COMMERCIAL (CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA #2011-04 Applicant: Varnadore Properties, LLC)

Mayor Bryant opened the public hearing. There being no public comment, she closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-26.

9. PUBLIC HEARING: ORDINANCE NO. 2011-27

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17TH STREET WEST, 702 17TH STREET WEST AND 1703 7TH AVENUE WEST, PALMETTO FROM GENERAL COMMERCIAL (GC) (COUNTY) TO COMMERCIAL GENERAL (CG) (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z-2011-04 Applicant: Varnadore Properties, LLC)

Mayor Bryant opened the public hearing. There being no public comment, she closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-27.

10. PUBLIC HEARING: ORDINANCE NO. 2011-28

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PLATTED SEWER AND WATER EASEMENT LOCATED ALONG THE REAR 5 FEET OF LOTS 1, 2, 3, 18, 19, AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137), GENERALLY LOCATED NORTH OF 17TH STREET WEST BETWEEN 7TH AVENUE WEST AND 8TH AVENUE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RECORDATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VAC-2011-02 Applicant: Varnadore Properties, LLC)

Mayor Bryant opened the public hearing. There being no public comment, she closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-28.

11. 1ST READ: ORDINANCE NO. 2011-29

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.26 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE., PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 4 AND 5, BLOCK 3, PAL-ELL PARK (PLAT BOOK 8, PAGE 123); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR

SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-05 Applicant: Waste Services of Florida, Inc.)

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to schedule a public hearing for Ordinance No. 2011-29 for November 7, 2011.

12. 1st READ: ORDINANCE NO. 2011-30

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO, FROM IH (County) to HCOMI (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-2011-05 Applicant: Waste Services of Florida, Inc.)

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to schedule a public hearing for Ordinance No. 2011-30 for November 7, 2011.

13. 1st READ: ORDINANCE NO. 2011-31

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT, REZONING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVENUE, PALMETTO, FROM HEAVY MANUFACTURING (HM) (County) to COMMERCIAL HEAVY INDUSTRIAL (CHI) (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-05 Applicant: Waste Services of Florida, Inc.)

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 4-0 to schedule a public hearing for Ordinance No. 2011-31 for November 7, 2011.

14. DISCUSSION: WARD 1 COMMISSION SEAT VACANCY

Mayor Bryant presented two proposed options to the City Commission for filling the Ward 1 vacancy:

Option #1

- Establish timeframe for accepting resumes from interested residents and communicate process
 - 2-3 weeks ending October 14 or 21st
 - Issue press release stating criteria and process to submit
 - Post on website, local papers
- Have potential replacements complete an affidavit stating they meet eligibility requirements
- Potential candidate's resumes presented to Commission after the deadline
- Commission reviews the potential candidates based on resumes submitted
- Commission makes motion for a replacement at the November 7th meeting which could include one of the resumes submitted or anyone else who meets the qualifications

Option #2

- Commission can make a motion for a replacement at any time based on the resumes received to date or personal knowledge of someone who is interested and meets the qualifications
- Potential replacement to complete affidavit stating they meet eligibility requirements

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 4-0 to approve Option #1 with a three-week time period.

15. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant provided Commission with a copy of a letter from County Administrator Ed Hunzeker in response to her letter regarding the ball fields. A copy of the letter is attached to these minutes. It appears the county is willing to do what the Little League had asked. The county can help with the land for the fields and the maintenance, which is what was agreed on initially; however, the county cannot commit funds to help build the fields. Commissioners commented that the Little League just needs the fields at this point and could forego amenities for the time being.

The Commission reviewed the plans sent by the County.

Mayor Bryant said she will check with the School Board to see if the softball fields could be placed at the old Palmetto Elementary School site as part of the park complex. It will be some time before a new school goes there, and in the meantime the School Board has to maintain the property.

Mayor Bryant will discuss with County staff, and this item will be brought back to the next Commission meeting.

16. ASR WELL UPDATE

No report.

17. DEPARTMENT HEADS' COMMENTS

Allen Tusing - No Comments
Jim Freeman - No Comments
Chief Wells - No Comments
Mark Barnebey - No Comments

18. MAYOR'S REPORT

News in Brief articles are due October 10. The CRA Plan has been distributed for Commission review. When it has been finalized, it will be going to the County Commission and they will have it for fifteen days for review.

Mayor Bryant asked Commission for clarification on Commission Administrative Policy No. 08-01, Advance Notice of Utility Bill Inserts. Following discussion, it was decided that Commission needs a copy of inserts so that they are aware in case they get questions from constituents. Commissioner Varnadore opined they need to be knowledgeable and requested email copies of anything going into the utility bills. The Mayor brought up requests by charities to place inserts in the water bills, and Attorney Barnebey reiterated that this is not City policy. If you open up to one, you must open to all.

The Mayor advised Commission that she and Lt. Tyler attended a prayer rally at Rossi Park on Saturday.

19. COMMISSIONERS' COMMENTS

Commissioner Varnadore - No comments

Commissioner Zirkelbach - No comments

Commissioner Williams - Reminded Commissioners to send historical information to Karen Simpson for the budget submittal per her request.

Commissioner Cornwell - No comments

20. PUBLIC COMMENTS FOR CITY COMMISSION

None

The meeting was adjourned at 7:53 p.m.

Minutes approved:

James R. Freeman, City Clerk