

**TAB 1**

**Draft Minutes**  
**CITY COMMISSION WORKSHOP MEETING**  
**OCTOBER 17, 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  
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  
Lorraine Lyn, City Planner  
Mark Barnebey, City Attorney  
Karen Simpson, Finance Director  
Deanna Roberts, Administrative Assistant

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Vice Mayor Zirkelbach called the October 17, 2011 Workshop meeting to order at 4:40 p.m.

1. FY2012 CAPITAL IMPROVEMENT PROGRAM

City Clerk Jim Freeman recapped the discussion from the last meeting and went over the changes incorporated into the program:

- Uncommitted funds over four months in reserves in General Fund, Road and Bridge and Water and Sewer Funds, can be used for capital improvements; change was from three to four months
- More of the Road and Bridge funds will be used to fund the 13<sup>th</sup> Street Drainage Project, which is not fully funded
- Projects funded from General Fund, Fund Balance were decreased a total of \$40,000
- The 17<sup>th</sup> Street utility relocation final estimate was \$112,000 less than expected, and those funds were moved to the 13<sup>th</sup> Street Drainage Project
- 8<sup>th</sup> and 9<sup>th</sup> Street Ward II reclaimed project now has \$250,000 of funding

There is a total of \$418,000 now funded in the 13<sup>th</sup> Street Drainage Project, and depending on bids that may be enough to fully fund the project.

Water and Sewer funds in the amount of \$86,000 are not yet allocated. Funds could be used next year on Water and Sewer for expenses that may come up.

Commissioner Williams asked if the set-asides could be used for telemetry meters. Mr. Freeman said yes. Mr. Tusing said he will bring this back for a presentation at a later date and remarked that about 85% of the project remains to be done. Commissioner Varnadore asked for a report on where the telemetry meters are currently being used.

Mr. Tusing informed Commission that he has learned the 13<sup>th</sup> Street Drainage Project could qualify for grant funding from SWFWMD. A grant application must be in by December, and he expects an answer early next year. If grant dollars come in, he will put the project off until 2013 when the grant funds will become available; otherwise, he will go ahead and finish the project

There was a consensus to move the resolution forward to the 7:00 p.m. agenda for approval.

2. 2011-2015 COMMUNITY REDEVELOPMENT PLAN

To be carried forward to the 7:00 Commission Consent Agenda for action. Materials previously distributed to City Commission.

Mr. Burton informed Commission that the Plan was passed unanimously by the Planning and Zoning Board as being in compliance with the Comp Plan. Once approved by the CRA Board, it will go to Manatee County for review and then come back to City Commission for final approval.

Commissioner Cornwell asked Mr. Burton what the City is offering specifically to entice businesses to come to Palmetto. He referred her to the blue tab: Downtown Commercial Core, General Commercial, Heavy Commercial Industrial Redevelopment Incentives and the Storefront Grant Program. CRA offers up to 30% of construction costs for new businesses, CRA is creating parking spaces to entice businesses, and storm water capacity is being increased through a SWFWMD grant. She asked about incentives to hire locally. He said the City works with Manatee County and the state of Florida for incentives already in place. All incentives target private industry and taxable real property which adds to the tax base.

As another incentive, the Police Department will do a Community Policing through Environmental Design (CPTED) review. If the business implements the suggestions, Chief Wells will sign off and the business will get money from the CRA.

Mr. Zirkelbach expressed concern that to get some of the incentives you have to use people that are professionals in the CRA District. There is not an accredited planner, accredited landscape architect, or underground utility contractor in the CRA. There is only one environmental engineer in the CRA, only one contractor, no commercial electricians, no Class A mechanical contractor, and only one plumber. He suggested changing it to the City of Palmetto. Mr. Burton said this is not part of the CRA Plan, but incentives already approved. Since it is a policy change, it will have to go back to the CRA Advisory Board to be amended.

On page 6 under Heavy Commercial Industrial Redevelopment Incentives, Land Use Downzone, Mayor Bryant suggested inserting "up to" those amounts under incentives because of the fluid nature of the current economy and land values. Mr. Burton said he will take this back to the Advisory Board.

Under security for special events in the CRA, Mayor Bryant commented that July 4 and Christmas in the Park should be in there, but the organizers for the two parades must pay for those events in order to be consistent with established city policy.

Mr. Williams remarked he has areas that need review. Even though changes can be made later, it would be beneficial to make changes now before it moves forward. Mr. Williams comments/questions:

Page 1, Part 1, Blighted Area, C:

Will this pertain to platted subdivisions? Mr. Burton said this is from Florida Statute 163.330. Mr. Williams said things that explained this section had been removed. He opined that Commission needs an addendum they can refer back to when changes are made in the Plan.

Page 2: Infrastructure

This paragraph does not refer to publicly owned property. Mr. Barnebey said this could be made more specific in the Plan, but policy will actually govern whether the CRA will incentivize private or public infrastructure. This is just a definition of what infrastructure might include.

Page 3: Redevelopment

He confirmed with Mr. Burton that this was a definition taken from another document. Mr. Burton said it was from Florida Statute.

Page 3: Services

He asked if local government should be changed to governing body to make it consistent. Mr. Burton said that was fine; they are one and the same.

Page 5: Palmetto City Commission as the Palmetto Community Redevelopment Agency

Mr. Williams commented that the Commission has always served as the governing body of the Agency. Now the Commission is the Agency. Mr. Burton said this comes from ordinance, and the reason it was written this way is that statute has a specific clause for when the governing body is the CRA.

Page 6: Community Redevelopment Trust Fund

Mr. Williams asked if all the money in a line item, e.g. fairs and festivals, does not get used, can all that money be used for any other line item without coming back to Commission? Mrs. Simpson said currently that is possible. Mr. Williams suggested that anything over a certain percentage unused in a line item must come back to Commission for approval prior to being used elsewhere. Discussion ensued. Mrs. Simpson agreed to meet with Commissioner Williams outside the meeting to continue the discussion.

Page 11: Pie Chart

Mr. Williams pointed out that the numbers on the pie chart don't add up to the written description. He wanted to be sure that the charts would accurately reflect what is in writing in the final version. Mr. Burton said it would.

Page 16: Existing Traffic Circulation

The section refers to rights-of-way. Mr. Williams said we have easements, does this need to be more precise? Mr. Burton said he will have it broken down more precisely. Mr. Williams commented that 5<sup>th</sup> Street should be added as a primary east-west route. Mr. Burton will ask the City Planner to take a look at this.

Pg 21: Accountability

Mr. Williams said he would like to see the Plan and future amendments (Task 2) reviewed by the City Planner *and* the Planning and Zoning Board (P&Z). Mr. Burton said that change can be added, but if there is an amendment to the Plan, there is a set procedure and amendments, by ordinance, have to go to the P&Z Board, then to the CRA Board and back to City Commission after it goes to the County for review.

Mr. Barnebey informed Commission that Part 4 is the "guts" of the Plan. He encouraged them to look at Policies and Tasks and make sure they are comfortable with what is being proposed.

Page 22: Policy 2

This policy addresses code compliance especially relating to older housing and rental housing. Mr. Williams remarked that this is no different from Minimum Maintenance Standards used throughout the City. Mr. Burton said this wording comes from the Comp Plan. He referred to the CRA sub-plans which helped address needs in the City: for example, in community policing and code enforcement.

Mr. Barnebey informed Commission that when the Plan goes to the county, they will expect it to be pretty well formulated. Changes can be made at the public hearing, but all major changes should be made now.

Mayor Bryant suggested continuing the discussion to the 7:00 p.m. meeting. Commission agreed.

3. DISCUSSION OF CONDITIONAL USE STIPULATIONS FOR FARM WORKER HOUSING

City Planner Lorraine Lyn presented stipulations for farm labor camps. Currently farm labor camps are only permitted as a conditional use in the RM6 district in the zoning code. Staff looked at the Manatee County Department of Health guidelines and recommends using the same guidelines. A handout was provided to Commission and will be attached to the minutes. Some stipulations include:

- Get the name, address and phone number of the property owner
- When it abuts an existing residential use require a 6-foot high opaque fence
- No parking of commercial vehicles and/or buses
- Clotheslines screened from view
- All vehicles must be operable

Mayor Bryant asked to add compliance for lighting and safety and a Community Policing through Environmental Design (CPTED) review to protect the workers who are often victimized.

Mr. Tusing said there are a number of farm labor camps in the City, and they are permitted through the Manatee County Health Department for the state of Florida. In correspondence received, the state said their permitting process is independent of local codes and ordinances, and the owners are responsible for

making sure the facility is compliant with city codes. He remarked that as a new ordinance is drafted, the city needs to make sure it has all the criteria the Commission wants it to have.

Mr. Zirkelbach opined that farm labor camps should not be on our gateway streets: 8<sup>th</sup> Avenue, 10<sup>th</sup> Avenue and 10<sup>th</sup> Street. He suggested for the stipulations that screening should read, "a minimum 6-foot high solid decorative wall" and the design should be part of the approval process. He proposed that vehicles must be parked on non-landscaped surfaces, and there should be no large density adjacent to a commercial core street.

Mr. Williams interjected that downtown design guidelines should be met.

Mrs. Cornwell commented that several workshops will be needed to discuss the new ordinance, but we need a short-term fix for this season. Mr. Barnebey suggested the City not enforce this part of the code for right now until the city decides what regulations it wants to have. Mayor Bryant said she would not be satisfied with that because she is tired of farm workers being victimized. All camps should have a conditional use permit with the stipulations mentioned.

Commissioner Varnadore said camps should be looked at on a case-by-case basis. The City should move forward with those in the RM6 zone and bring them into compliance as living conditions are not acceptable. We can't tell Code Enforcement not to enforce them. The difficulty will be addressing those outside the RM6 zoning. Mr. Barnebey said those outside the zoning that are registered as farm worker housing could be closed down by Code Enforcement.

Commissioner Varnadore asked to make this a priority and work down the list and finish with all the facilities within six months.

Mr. Barnebey expressed concern that the Conditional Use Permit for Sunnydale, which is being voted on at 7:00 p.m., might have stipulations that may or may not end up in the ordinance. Mayor Bryant said these stipulations are not burdensome, and they just want to be in compliance.

The meeting was adjourned at 6:06 p.m.

Minutes approved:

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James R. Freeman, City Clerk

**Draft Minutes  
CITY OF PALMETTO  
CITY COMMISSION MEETING  
AND  
SPECIAL CRA BOARD MEETING  
OCTOBER 17, 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  
Commissioner, Ward 1, Vacant  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

James R. Freeman, City Clerk  
Allen Tusing, Public Works Director  
Chief Rick Wells  
Mark Barnebey, City Attorney  
Lorraine Lyn, City Planner  
Deanna Roberts, Administrative Assistant

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Mayor Bryant called the October 17, 2011 meeting to order at 7:00 p.m. She asked all to remember that October is Breast Cancer Awareness Month and to pray for a cure. A moment of silence was observed followed by the Pledge of Allegiance.

Commissioner Tambra Varnadore presented the National Red Ribbon Week Proclamation to the Young Marines. Accepting were Sergeant Devin Bloome, Lance Corporal Lexus McDonald, and Unit Commander Tony Rosado.

All persons wishing 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 17, 2011 7:00 p.m. agenda allowing for further discussion of the CRA Plan.**

2. CONSENT AGENDA APPROVAL

**A) CITY CLERK'S OFFICE**

1. Minutes: October 3, 2011
2. Special Legal Billings: Kirk Pinkerton September 19, 2011 invoices  
Persson & Cohen
3. Jan-Prop Cleaning Systems contract approval: A one-year contract for City Hall, not to exceed \$6,588; and a one-year contract for Public Works not to exceed \$8,388
4. Resolution No. 2011-34: Budget amendment to record outstanding purchase orders carried forward into FY2012
5. Resolution No. 2011-35: Approval of the 2012-2016 Capital Improvement Fund
6. Special Function Permit: Palmetto High Homecoming Parade

**MOTION: Commissioner Cornwell moved to approve the October 17, 2011 Consent Agenda  
Commissioner Zirkelbach seconded.**

Mr. Williams asked to remove items 3 and 5 for discussion. Maker of the motion and second accepted the change.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to approve items 1, 2, 4 and 6 on the Consent Agenda.**

Discussion: Item 3: Mr. Williams asked about the Police Department not being included in the cleaning services contract. Chief Wells said trustees clean the police department. Item 5: Mr. Williams verified that all changes that were discussed were included in the resolution for approval of the CIP on tonight's Consent Agenda. Mr. Tusing confirmed that they were.

**Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried 4-0 to approve items 3 and 5 on the Consent Agenda.**

**3. PUBLIC HEARING: CONDITIONAL USE PERMIT #2011-03**

Sunnydale Properties, LLC is the applicant for a conditional use permit for a farm labor camp located at 2005 & 2011 Bayshore Road and 500 20<sup>th</sup> St. W. Approval of the permit will bring the operation into compliance with the City's zoning requirements.

Mayor Bryant opened the public hearing.

City Planner Lorraine Lyn briefed Commission on the application. The property has always been used for migrant housing. Staff feels the applicant is making a good faith effort to comply with the City requirements after annexing into the City by connecting to water and sewer. The proposed residential use is consistent with surrounding uses. The site will be monitored by the Health Department. The proposal is consistent with zoning and the 2030 Comp Plan. The Planning and Zoning Board recommended approval with the condition that a 6' high opaque decorative fence or wall be installed on the north and west sides of the property within 90 days of obtaining approval.

Mr. Barnebey informed Commission that if it wants additional stipulations, now is the time to do it.

Bob Spencer and Fritz Stauffacher of West Coast Tomato spoke on behalf of the application. Mr. Spencer told Commission he is willing to do whatever Commission wants, but he has concerns about an opaque fence. A clear fence would allow police to see through if there was crime going on. His workers are more vulnerable to crime, and he wants to protect his workers.

Mayor Bryant informed Mr. Spencer that the Police Department has personnel certified in Crime Prevention through Environmental Design (CPTED). They would be happy to come out and assess the site. Chief Wells stated he agreed with Mr. Spencer on the fence.

In answer to Commissioner Cornwell's question, Mr. Spencer stated the security cameras would not feed to another location but only tape and could be reviewed later if there were an incident. Mr. Stauffacher told Commissioner Cornwell that the laundry facilities were closed because the residents of the adjoining apartment complex were coming over to use them and people were parking their cars there and coming in to harass the workers. They had actually been thinking about a fence for awhile. The fence there would run north to south on the west side.

Discussion ensued on the fencing. Chief Wells opined that the police would like to have the fences open so they can see through; he prefers a CPTED design. Mayor Bryant said the fencing should suit the needs of the property, and a certified CPTED officer will take a look at the property.

This hearing was recessed so that Attorney Mark Barnebey could discuss additional stipulations with the applicants. Commission continued with agenda item #5.

**5. PUBLIC HEARING: ORDINANCE NO. 2011-19**

**AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO AMEND THE POWERS, DUTIES AND RESPONSIBILITIES OF THE PALMETTO COMMUNITY REDEVELOPMENT ADVISORY BOARD; PROVIDING FOR REPEAL OF**

ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Zirkelbach opened the public hearing. There being no public comment, he closed the hearing.

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried 4-0 to adopt Ordinance No. 2011-19.**

Commissioner Zirkelbach recessed the Commission meeting.

Mayor Bryant reconvened the meeting and continued with the public hearing for item #3. Attorney Barnebey stated the suggested motion with the agreed upon stipulations.

Mayor Bryant closed the public hearing.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to approve Conditional Use Permit #CU2011-03 for a farm labor camp located at 2005 and 2011 Bayshore Road and 500 20<sup>th</sup> St. W. with the following conditions:**

1. **There shall be an opaque decorative fence along the north property line**
2. **There shall be no overnight parking of commercial vehicles and/or buses on the subject property unless not visible from a public street**
3. **All vehicles on site shall be operable and display a valid registration tag**
4. **Clotheslines for air drying of laundry must be screened from public view**
5. **Site shall be reviewed by the police chief or his designee for compliance with CPTED requirements and installation of security cameras consistent with CPTED requirements**
6. **The applicants shall comply with the above stipulations within ninety (90) days of this approval**

**4. PUBLIC HEARING: CONDITIONAL USE PERMIT #CU2011-04**

Florida Commercial Laundry Equipment, Inc. is the applicant for a conditional use permit for prepaid phone time sweepstakes, proposed to be located in a laundromat building located at 1527 8<sup>th</sup> Ave. W.

Mayor Bryant opened the public hearing.

City Planner Lorraine Lyn informed Commission that since the primary use for the property is a laundromat, staff recommended approval subject to conditions. Planning and Zoning conditions are:

1. **Sales of the prepaid phone time card sweepstakes shall only be allowed in the 784 square foot proposed area of the building**
2. **Hours of operation shall be 8:00 a.m. to 12:00 a.m.**
3. **The Conditional Use Permit shall be limited to a 5-year period**

The applicants were present for the hearing. Marie McCaughan addressed Commission as representative for the applicant/property owner Doug Honicker. She explained to Commission that this is not gaming. They will sell phone cards, and buying cards here gives the purchaser sweepstakes points, which is the incentive to buy the card here instead of at a Walmart, for example. The facility must have an attendant to sell the phone cards, and you must be 18 to purchase the cards and play the game. Twelve parking spaces are required at the facility, and Mr. Honicker has sixteen existing spaces.

Commissioner Williams expressed concern that this is gaming.

Mr. Barnebey informed Commission that whether or not this is gaming is currently being litigated in other counties in the state.



Commissioner Varnadore recommended that the permit be clarified to be for sales of prepaid phone cards only, the hours of operation to be 8:00 a.m. – 10:00 p.m. and the permit limited to a period of three years.

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

Mr. Williams stated he was in favor of adding staff's recommendation to limit to adults only; not included in P&Z recommendations.

Commissioner Cornwell asked for discussion on what areas these types of facilities should be permitted in. How do we want the City to look, especially on 8<sup>th</sup> Avenue? What kind of signage will be allowed for the business?

Commissioner Zirkelbach opined that Hasko Road was approved because of the location. He is in favor of a short time limit for this conditional use permit as it is in the City's gateway. It is not in the spirit of the design guidelines.

Commissioner Cornwell commented that specific use should be looked at for establishments in the main corridors.

Regarding signage, Mr. Barnebey cautioned Commission against restricting signage. If it is an allowed business, it can advertise consistent with the sign code. He said this is strictly a land-use issue.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and motion carried 3-1, with Commissioner Cornwell voting nay, to approve Conditional Use Permit #CU2011-04 for 1527 8<sup>th</sup> Ave. W. with the following stipulations:**

- 1. Sales of the prepaid phone time card sweepstakes shall only be allowed in the 784 square foot proposed area of the building; only for prepaid phone card sweepstakes machines**
- 2. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.**
- 3. The Conditional Use Permit shall be limited to a 2-year period**
- 4. The recreational and amusement services facility shall be limited to use by people 18 years of age and older**
- 5. Limited to 22 terminals**

Commissioner Williams asked to limit the number of terminals to 22. The maker and second of the motion agreed and that became stipulation #5.

Mayor Bryant recessed the City Commission meeting to open the Special CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting.

#### 6. 2011-2015 COMMUNITY REDEVELOPMENT PLAN

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to move the 2011-2015 Community Redevelopment Plan to the November 7, 2011 agenda.**

#### 7. SEPTEMBER CHECK REGISTER (Informational purposes only)

#### 8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant informed Commission that she met with an architect who is working on the possibility of reconfiguring the fields. She will be meeting with the president of the Little League tomorrow.

Commissioner Varnadore asked Mayor Bryant if she could see about getting the ball fields on a County Commission agenda. Mayor Bryant said the difficulty is working with all the entities involved, but she thinks there is a greater possibility now, more than ever before, to get this resolved

#### 9. ASR WELL UPDATE

Mr. Tusing told Commission that the engineer is working on the final design.

#### 10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing reported that, depending on weather, the curbs are scheduled to go in tomorrow in the Ward I Phase 2 project. Structures are being put in at the roundabout. Once the structures are in, they can begin staking and putting curbs and roads back in. Bus service to the Courtney has been restored with the help of MCAT and Manatee School for the Arts (MSA). The bus is being routed through MSA.

#### Jim Freeman

Reported that he has received only one resume to date for the Ward 1 vacancy. This will go on the November 7, 2011 agenda for discussion and approval. The City is moving forward with the energy grants. By the next meeting the retrofitted lights should be completed at City Hall.

#### Chief Wells

The Police Department assisted the Sheriff's Office in the apprehension of three gang members involved in a RICO investigation on Friday. Apprehended the subject in a stolen vehicle robbery off Snead Island on Saturday. The Metro phone store was robbed on Thursday, and the suspect was apprehended on Friday.

#### Mark Barnebey

No comments

#### 11. MAYOR'S REPORT

Provided Commission with a flyer announcing a District 2 Community meeting on October 20, 2011 at the Palmetto Youth Center. County Commissioner Michael Gallen, local law enforcement and the State Attorney will be at the meeting. Informed Commissioners they will receive an invitation to participate in the Veterans Parade. The parade task force met today. They are planning a big parade concluding with a ceremony at Sutton Park. The guest speaker will be State Representative Greg Steube.

#### 12. COMMISSIONERS' COMMENTS

##### Commissioner Varnadore

No comments

##### Commissioner Zirkelbach

Advised Mr. Tusing that on the north side of 17<sup>th</sup> Avenue, just east of 9th Street, there is a tree growing out into the roadway. The tree blocks the oncoming traffic. Also, please advise Code Enforcement that the pet supply store on 8<sup>th</sup> Avenue and 6<sup>th</sup> Street put up a banner that is in the visibility triangle.

##### Commissioner Williams

No comments

##### Commissioner Cornwell

The Palmetto Historical Commission needs candy for the Halloween Social on October 28. Please contribute if you can. The theme for the fair this year is red, white, and blue, a Star Spangled Year, because it is an election year. The Fair may add Manatee's Got Talent. Reported the Yellow Fever Cemetery sign has been knocked down. Mr. Tusing said that he has it; it was down due to vandalism. The sign is broken, but he thinks he can get it fixed. She applauded the Mayor for keeping the Commission in the loop, especially about the ball fields. Also, thanks to Department Heads and especially the chief for getting a quick response to her for something that recently occurred.

Mr. Williams asked to meet with Mayor Bryant and Mark Barnebey on Tuesday to go over his questions on the CRA Plan. They agreed to meet at 11:00 a.m.

#### 13. PUBLIC COMMENTS FOR CITY COMMISSION

None

14. ADJOURNMENT

The meeting was adjourned at 9:36 p.m.

Minutes approved:

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James R. Freeman, City Clerk