

**TAB 1**

**DRAFT  
CITY COMMISSION MEETING  
DECEMBER 5, 2011  
7:00 PM**

Commission Members

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

Staff Present

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
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 7:00 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: Andy Hansen, local representative of Florida League of Cities gave a financial update on the Florida Insurance Trust. Mr. Hansen presented the City a refund of the property insurance premiums paid for the 2009/2010 policy year of \$19,971.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant amended the agenda to add the appointment of Carolyn Higdon to the CDBG Committee as #5 under the City Clerk. She also removed the Bryant Miller Olive billing from item #3.

**MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the December 5, 2011 Agenda.**

2. CONSENT AGENDA APPROVAL

**A. CITY CLERK'S OFFICE**

1. Minutes: November 21, 2011
2. BIS Digital contract renewal for an additional year ending November 16, 2012 in an amount not to exceed \$967.
3. Special legal billing: Bryant Miller Olive (removed from the Consent Agenda)  
Kirk Pinkerton
4. Appointment of Charles Smith to the EZDA Board
5. Appointment of Carolyn Higdon to the CDBG Committee (added to the Consent Agenda)

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the December 5, 2011 Consent Agenda, as amended.**

**3. PUBLIC HEARING: ORDINANCE NO. 2011-32**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REVISE THE DEVELOPMENT REVIEW PROCEDURES OF THE CITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR REAFFIRMATION AND RATIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Ordinance No. 2011-32.**

**4. FIRST PUBLIC HEARING: ORDINANCE NO. 2011-33 (L. Lyn)**

(TAB 5)

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM LABOR CAMPS AS A CONDITIONAL USE; 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, Mayor Bryant closed the public hearing.

Attorney Barnebey announced that a second public hearing for this item is scheduled for January 9, 2012.

Mayor Bryant recessed the meeting at 7:15 p.m. to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 7:40 p.m.

**5. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE**

Attorney Barnebey referred to a prior discussion relating to the relocation of the baseball field to Blackstone Park. He informed the Commission that notification has been received from Leslie Gladfelter, Grimes Goebel, indicating the termination of the two contracts, one for the dedication and one for the additional property. He indicated the City will move forward with the extension of 10<sup>th</sup> Avenue, which will require new contracts for that project. He also is drafting a temporary construction agreement for execution by Manatee County for the relocation of the ball fields. All new contracts and agreements will be brought to Commission for approval.

Mayor Bryant commented on the maintenance of the tennis courts on 10<sup>th</sup> Street.

Discussion ensued on the legal fees that will be associated with the 10<sup>th</sup> Avenue extension. Mr. Tusing assured commission that the extension project is separate from the 23<sup>rd</sup> Street realignment, and funds will not be expended from the ball field funds. Attorney Barnebey suggested that as the contracts are developed, associated costs will be negotiated with the property owners.

Discussion of what Manatee County will contribute to the relocation of the ball fields occurred. Mayor Bryant indicated that there will be some type of agreement with the county before the project begins. Commission concurred that the Board of County Commissioners (BOCC), as a whole, needs to be informed of the contribution its staff has offered to complete the ball field relocation; Mayor Bryant will communicate with the Board of County Commissioners regarding the topic. Commissioner Smith suggested that a joint meeting with the BOCC regarding this topic, the boat docks and the Hwy 301 issues should be scheduled. Mayor Bryant requested that Mr. Freeman contact county staff and ask that the topics be placed on the next Council of Governments meeting.

Staff was asked to provide a drawing of the 10<sup>th</sup> Avenue extension and its contact point on 23<sup>rd</sup> Street. Also requested was a recap of what the City has already done regarding the 10<sup>th</sup> Avenue extension, including the associated expenditure of funds.

#### 6. ASR WELL UPDATE

Mr. Tusing reported the City is at 100% drawings, the RAIs for DEP have been answered and he expects to be able to go to bid in early January.

#### 7. DEPARTMENT HEADS' COMMENTS

##### Mr. Tusing

The CDBG portion of Ward 1 Phase 2 will be paved on Wednesday and Thursday of this week. The first section of the project will be completed before the holidays.

The Haben Blvd. project should be completed by January. Discussion ensued on the traffic congestion on Hwy 301 and what has been done to lessen the impact. Also discussed was the traffic congestion on the Green Bridge and the timing of the lights in Bradenton. Mr. Tusing stated an agreement regarding the linking of City lights with the fiber optic network will be forthcoming. He suggested that a staff member should be certified to time lights so the City may be able to reserve the ability to time lights in the agreement, which is what Bradenton did. He confirmed that the State has the ultimate control of the timing of lights.

##### Mr. Freeman

The next agenda will have a recommendation on awarding the HVAC bid, which is the last task of energy grant.

##### Chief Wells

No report.

##### Attorney Barnebey

The Rutledge foreclosure is moving forward.

#### 8. MAYOR'S REPORT

Reported Mr. Tusing had worked with Manatee County to resolve an issue at Leisure Lake, even though the property is not in the City. A thank you note from Mrs. Dorothy Miller has been received.

Acknowledged Mr. Fahrenholz for his donation of historic Palmetto pictures.

Christmas in Park was a huge success. Mayor Bryant stated her appreciation to all the organizations that worked on the event

Requested that staff research the safety grant mentioned by Mr. Hansen. Mr. Freeman discussed the application and award last year, which resulted in the new lighting at City Hal. He will look at the application for this year.

Mr. Estiberggia was only Latino applicant for the CRA Advisory Board vacancy. Mayor Bryant stated she had spoken with the Latin Chamber about representation in the Latino community, and suggested the Chamber will be pleased with Mr. Estiberggia's appointment.

#### 9. COMMISSIONERS' COMMENTS

##### Ms. Varnadore

No report

##### Mr. Zirkebach

Discussed the article in the North River News regarding notice about the port-o-let removal. Mr. Tusing stated he received notice that they had already been removed.

Stated his desire to see the City do something fun to acknowledge the PHS football team's season. Commission concurred.

Mr. Williams

Mr. Williams suggested that there are areas that are in need of street striping. Mr. Tusing discussed the cost estimate of \$14,000 to stripe 17<sup>th</sup> Street.

Ms. Cornwell

Thanked Mr. Tusing for putting the sign for the high school up so quickly.

There is a Fair Board meeting tomorrow and a Historic Board meeting on December 17, 2011.

Mr. Smith

He has received complaints about the light poles at 17<sup>th</sup> Street across from the Youth Center at the railroad parks, and the people living behind the homes. Mr. Freeman will send Code Enforcement to the site and determine who is responsible for the maintenance of the poles.

Suggested the joint meeting with the BOCC on the items discussed. He also voiced concern about the funds involved in developing the ball fields.

Echoing joint meeting with BOCC on 3 items; same concern with \$

Mr. Williams

The branch off Car Drain north of Inez Ware's property has tree down.

10. PUBLIC COMMENTS FOR CITY COMMISSION

Mary Lancaster commented on the number of lights out on 17<sup>th</sup> Street. She also commented on the property spoken about by Mr. Smith and the maintenance of the property outside the fence.

Mayor Bryant stated that in the meeting with County personnel, the 17<sup>th</sup> Street lights were discussed. The County is negotiating light maintenance contract. The lights will be repaired upon the contract's execution. Mr. Smith suggested that lights on Bayshore Road should also be considered.

Meeting adjourned at 8:25 p.m.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT  
CITY COMMISSION WORKSHOP MEETING  
DECEMBER 5, 2011  
4:30 PM**

Commission Members

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

Staff Present

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
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 4:34 p.m.

1. DISCUSSION: OPEN BURNING

Attorney Barnebey reported that the Florida Forest Service regulates open burning and Florida Department of Environmental Protection (FDEP) regulates yard waste burning. He reported FDEP has established allowable hours and setbacks for yard waste burning but, there are no requirements to obtain a permit for burning yard waste. He also reported that specific regulations for the burning are set forth in Chapter 62 of the Florida Administrative Code.

Attorney Barnebey informed Commission that Manatee County has an ordinance for open burning; it is not being enforced because of State regulations. He discussed the City's ability to work with FDEP to develop a burning ordinance but, there could be issues with enforcement assistance from the department. Attorney Barnebey opined that if the City should develop its own ordinance and it is more restrictive, the City would be responsible for enforcement.

Attorney Barnebey was asked to research if the City could completely eliminate open burning, to see how the other local municipalities handle the issues, and to see if there are different restrictions for residential vs. commercial burning. He will also determine how the City could have staff members certified so the City can enforce State regulations.

2. DISCUSSION: POLITICAL SIGNS

Mr. Freeman explained the current process in the Code governing political signs. In the past, the timing of when signs can be erected has been an issue, as the Code is silent; it has been the practice that signs cannot be erected more than 60 days prior to an election. Signs are not allowed on City property or in the right-of-way and they must be removed within seven days following the election to receive a refund of the \$100 deposit. Mr. Freeman stated there are procedural issues that will be fine-tuned before the next election.

Attorney Barnebey informed Commission that Manatee County had removed the 60-day time frame for erecting signs from their code because of federal guidelines; there was a federal case that suggests that the timing of when signs can be erected cannot be governed. He cautioned that this issue is sensitive because of First Amendment issues.

Attorney Barnebey opined the \$100 deposit requirement is probably reasonable. He suggested that the seven days to remove signs should probably be extended to 30 days and there should be no time limit on the erection of signs, or possibly limit the erection to the time of filing. He cautioned that if it is perceived the City is "overly restricting the First Amendment rights of the people involved", the entire sign ordinance can be put in jeopardy.

Discussion ensued on why political signs are not allowed on City property or right-of-way. It was suggested that the right-of-way should be defined by a measurement.

Mr. Freeman suggested that Commission should consider a size limitation on the signs, and cited the sizes allowed by Manatee County. It was consensus of Commission that 10' should be the maximum height on commercial property and the maximum square footage would be 6' in residential and 32' in all other categories.

Mayor Bryant asked staff to bring back information regarding the number of individual's for whom the City has had to remove signs, together with the number of signs removed from the right-of-way.

Mayor Bryant suggested that the City should follow the Supervisor of Elections' rules as closely as possible. She opined the sign removal time should be 15 days rather than 30 days.

Mr. Tusing discussed the Code's limitation on the number of bundles of yard waste that will be picked up at one time. He informed Commission he is working on some policies to govern the removal of excess yard waste. He will also research enforcement of yard waste that is blown into the street.

Meeting adjourned at 5:25 p.m.

Minutes approved:

James R. Freeman  
City Clerk