

**TAB 1**


**DRAFT**  
**CITY COMMISSION WORKSHOP MEETING**  
**JANUARY 9, 2012**  
**4:30 PM**

Elected Official Present

Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2 (entered at 4:35 p.m.)  
Charles Smith Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Scott Rudacille, Chief Assistant City Attorney  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 4:33 p.m.

 PRESENTATION: COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AWARD for the fiscal year ending 2010. Mr. Freeman recognized Karen Simpson and her staff, Cheryl Miller and Matt Misco.

 1. DISCUSSION: REDISTRICTING OF WARD BOUNDARIES (M. Barnebey)

Attorney Barnebey discussed the Charter's requirement that the City review ward boundaries after every Census, which was last done in 2003. Attorney Barnebey recommended that the City look at this issue sooner than normal because of the election this year to fill the Ward 1 seat. As a courtesy, the FSU Demographics Studio looked at current census data, which reflect significant population changes in the wards over the last ten years.

Attorney Rudacille referred to the memo discussing data that was provided by the Studio for each of the wards, a copy of which is attached hereto and made a part of these minutes. The attorney confirmed that population is one criteria used to draw the ward boundaries to ensure equal voting districts. They also discussed other factors that can be considered in the redistricting of ward boundaries other than simply population.

Discussion ensued on the impact of minority voting strength when redistricting. Attorney Rudacille confirmed the Commission will have to consider the dilution of the minority vote and ensure that not all minorities in a certain class are placed in one ward. He also explained that a ward can be kept smaller in order to not dilute the minority vote.

Discussion ensued on whether or not it is necessary to complete the redistricting at this time. Attorney Barnebey recommended that Commission look at the issue this election cycle so it can be documented that commission has reviewed the topic. This action can avoid challenges in future elections. Mr. Freeman explained that this issue is not a budgeted item but funds can be taken from the account set aside for special elections.

Even though there was not unanimous agreement to pursue the redistricting, this item will be carried forward to the 7:00 agenda for consideration to negotiate a contract with Florida State University to propose revision to ward boundaries, in an amount not to exceed \$10,000.



## 2. AGENDA ORDER

Attorney Barnebey referred to the 7:00 agenda and inquired if Commission wished to continue to allow all the opportunities for public comment. It was consensus of Commission to eliminate the public comments at the end of the agenda.



Attorney Barnebey reported that the phase 1 environmental study has been performed on the Cadence property, the L-shaped property around the Shell station. There are some restrictions on the report. The contract purchaser is proposing some ground water sample locations, which Mr. Zirkelbach will review. They (contract purchaser) do not think there are issues from the Shell station that affect this property. Further information may be available by the January 23, 2012 meeting.

Mayor Bryant requested that Attorney Barnebey research to ensure the parking lot ordinance in place will not create a conflict with parking boats on the property.



Mayor Bryant congratulated Attorney Barnebey on his recertification as board certified city, county and local government law attorney.

Meeting adjourned at 5:40 p.m.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT MINUTES  
CITY OF PALMETTO  
SPECIAL CITY COMMISSION MEETING  
January 20, 2012**

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner At-Large 1

Staff Present

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Deanna Roberts, Administrative Assistant

Mayor Bryant called the January 20, 2012 emergency meeting of the City Commission to order at 12:56 p.m.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Cornwell moved, Commissioner Smith seconded, and motion carried 4-0 to approve the January 20, 2012 City Commission agenda.**

2. ACQUISITION OF ASSIGNMENT FROM BOB GRAHAM TO PURCHASE THE CADENCE PROPERTIES

Properties located at 325 8<sup>th</sup> Avenue West, 320 9<sup>th</sup> Avenue West, and 834 Riverside Drive, Palmetto, Florida

Mr. Barnebey explained for the record that the CRA had just concluded a special meeting on this same property, and the City Commission needs to approve the same motion that was approved at the CRA meeting.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and motion carried 4-0 to approve the same motion approved by the CRA at the prior meeting.**

The following motion was approved by the CRA:

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried 4-0 to approve the assignment of vacant land contract with Bob Graham for the Cadence Properties at 325 8<sup>th</sup> Ave W., 320 9<sup>th</sup> Avenue West, and 834 Riverside Drive, Palmetto, Florida with approval of the assignment of contract subject to modification of the Assignment Agreement to provide for the alternative, at Mr. Graham's election, of Mr. Graham closing the purchase and sale transaction with Cadence Bank, followed by an immediate transfer of the property by Mr. Graham to the CRA under the following terms and conditions:**

- 1) the sole consideration to be paid by the CRA to Mr. Graham will be the assignment fee already agreed upon;
- 2) Mr. Graham will step into the shoes of Cadence Bank as Seller under the contract, and the CRA will step into the shoes of purchaser, and the parties will execute a supplemental agreement to that effect;

- 3) the City and the CRA will incur no additional costs or fees as a result of this two part closing beyond those that were specifically set forth in the assignment; and

to authorize the Mayor to sign the necessary documents relating to the assignment and purchase of the properties.

3. PUBLIC COMMENTS FOR CITY COMMISSION

None

4. ADJOURNMENT

The meeting was adjourned at 12:58 p.m.

Minutes approved:

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James R. Freeman  
City Clerk

**CITY COMMISSION WORKSHOP MEETING  
JANUARY 23, 2012  
4:30 PM**

Elected Officials Present

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

Elected Officials Absent

Alan Zirkelbach, Commissioner-at-Large 1

Staff Present

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

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

1. DISCUSSION: Sutton Park renovations and proposed 6th Street and 7th Street roundabouts

Mr. Burton stated roundabouts were placed into the Sutton Park renovation plan as an idea. He also stated the plan as designed at this time does not include the actual structure at Sutton Park, it will be a future improvement. The roundabout is being proposed because of the possibility of MPO grant funding, which requires conceptual approval by the Commission.

Jon and Vicki Moore reviewed information of how roundabouts being proposed at Sutton Park can be successful.

Commission agreed to the conceptual plan of the proposed roundabouts at Sutton Park. Commission directed staff to ensure that communication is held with Manatee County and the Historic Commission regarding the acquisition of any additional property that will be necessary for the construction of the roundabouts. Staff was also instructed to research the donation of the Sutton Park property to ensure the City complies with any restrictions regarding the property's use.

Mr. Burton confirmed the grant will be written in-house and CRA will pay for the design phase that is not funded by the grant, if awarded.

Meeting adjourned at 5:30 p.m.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT MINUTES  
CITY OF PALMETTO  
CITY COMMISSION MEETING  
JANUARY 23, 2012  
7:00 PM**

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner-at-Large 1

Staff Present:

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

Mayor Bryant called the January 23, 2012 meeting to order at 7:00 p.m. She called for a moment of silence followed by the Pledge of Allegiance. She asked all to remember recently departed members of the community: Joel Jarvis, Clovia Russell, sister of City of Bradenton Councilmember Harold E. Byrd, Jr., and Pastor Joe Choate.

**PRESENTATION: Police Department Officer of the Year**

Chief Wells recognized Officer Doug Marston as Officer of the Year. Chief Wells told Commission that Officer Marston was instrumental in solving several burglaries on the west side of the City which also brought attention to burglaries in Manatee and Hillsborough Counties. Officer Marston is committed to traffic safety and was very involved in the Click It or Ticket national campaign. Chief Wells commended him for his work ethics, and stated the award came from his peers who appreciate all that he does.

**PROCLAMATION: Palmetto Tigers Day**

Mayor Bryant proclaimed January 23, 2012 as Palmetto Tigers Day in recognition of the Tigers outstanding 2011 season. Accepting were Coach Dave Marino and senior player Kevin O'Brien. Coach Marino pointed out that he is proud of his players, not just for their success on the field, but for their volunteer work in the community as they learn it's also about winning off the field.

**PROCLAMATION: Florida Arbor Day**

Commissioner Cornwell presented the proclamation to Eric Gilbert, Chair of the Planning and Zoning and Tree Boards. Mr. Gilbert thanked the Commission for its interest and support of a "green" community.

**PRESENTATION: Palmetto Riverside Bed and Breakfast**

Mayor Bryant said she was happy to take the opportunity to recognize the Palmetto Riverside Bed and Breakfast for its designation by Travelscore Magazine as the 2011 Best Bed and Breakfast Inn of Florida. She thanked owner Wim Lippens for bringing the designation to the City of Palmetto.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION:** Commissioner Cornwell moved, Commissioner Williams seconded, and motion carried unanimously to approve the January 23, 2012 Revised Agenda with the addition of a permit for Slicks Garage under item #3.

2. CONSENT AGENDA APPROVAL

**A. CITY CLERK'S OFFICE**

1. Minutes: January 9, 2012
2. Special Legal Billing: Bryant Miller Olive
3. Special Function Permits: St. Patrick's Day 5K  
DeSoto Children's Parade  
DeSoto Grand Parade
4. Communication Service Tax Agreement approval
5. Library Board 2012 Appointment: Edie Bustle
6. MPO Grant Application and authorization to accept funds (if awarded) for 10th Ave. and 6th and 7th St. roundabouts

**B. POLICE DEPARTMENT**

1. Budget reallocation for 2010 JAG Grant application

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried unanimously to approve the January 23, 2012 Consent Agenda with the exception of items A6 and B1 pulled for discussion as requested by Commissioner Williams.

Discussion: Commissioner Williams opined that items such as A6, if not elsewhere on the agenda, should be pulled so that the public could comment. Mr. Barnebey stated that the public will have an opportunity to comment at the beginning of the meeting under Public Comment and the disclaimer is being revised to reflect that. Under the discussion for B1, he asked Chief Wells for an update on COBAN. Chief Wells informed Commission that COBAN has made improvements and updated the server for free. They have been quite helpful even though there was no service agreement. The five cameras requested are for laptops so there are cameras in the vehicles as well as the laptops.

**MOTION:** Commissioner Williams moved, Commissioner Smith seconded, and motion carried unanimously to approve items A6 and B1 under the Consent Agenda.

3. RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT #BDT59, FM #424087-1-78-02, PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**NOTE:** *When preparing documents for execution, staff amended the Resolution number to correctly read Resolution No. 2012-03.*

**MOTION:** Commissioner Varnadore moved, Commission Smith seconded, and motion carried unanimously to adopt Resolution 2012-02

Discussion: Commissioner Cornwell asked about the fees being dropped again. Mr. Tusing said he has sent an email to the State to see why there is a difference. The resolution must be approved prior to February. He reasoned that the State probably has the same problem with funds that the City has. He is waiting for a response. Ms. Cornwell asked if it is still cost-effective for the City to perform the maintenance. Mr. Tusing said the money helps the City because we are not mowing now in the winter season and it all balances out. Also, the City was mowing the rights-of-way to keep the City looking nice even before FDOT paid us to do it. He will try to get the fees changed back to the fees in the previous



agreement. He reminded Commission that the last time it was lowered it was because the City took out the street sweeping because of the requirements made by FDOT.

3A. RATIFICATION OF COMMISSION ACTION TAKEN ON JANUARY 20, 2012

**MOTION:** Commissioner Varnadore moved, Commission Williams seconded, and motion carried unanimously to reaffirm and ratify the action taken with respect to the Cadence property assignment/contract at the January 20, 2012 Emergency City Commission meeting.

Discussion: Commissioner Varnadore asked for an update. Mr. Barnebey informed Commission that the Cadence Bank parcel closed today with Mr. Graham. It will be a two-part closing.

3B. ASSIGNMENT OF REAL ESTATE CONTRACT BETWEEN BOB GRAHAM AND CIRCLE K FOR THE PURCHASE OF 301 8<sup>TH</sup> AVENUE WEST.

**MOTION:** Commissioner Williams moved, Commissioner Smith seconded, and motion carried unanimously to approve the Assignment of Real Estate Contract with respect to the Circle K property as approved by the CRA at the December 19, 2011 CRA meeting and authorize the Mayor, or the CRA Chair as appropriate, to execute the Assignment.

Discussion: Mr. Barnebey clarified that the CRA has until the end of the week to decide if it wants to move forward. Due diligence ends on January 31, but we will not have all of the environmental information by January 31. He does hope to have a clear outline of what the risks are to present to Commission.

3C Special Function Permit/Slick's Garage

Request by Slick's Garage for permit for First Fridays on Fifth for February and March

The application was submitted today. Commissioner Varnadore commented that the applicant seems to have a hard time getting the paperwork submitted in a timely manner. Commission agreed that it would be willing to approve for up to three months at a time if there were no changes in the way the event is planned. Mayor Bryant informed Commission that this request has not allowed time for any of the Department Heads signatures or other official approval of the event.

**MOTION:** Commissioner Williams moved to approve the Special Function Permit application for Slick's Garage for First Fridays on Fifth for March 2.

The motion died for lack of a second.

Jeff Burton, CRA Director, reminded Commission that after March, 5th Street will be closed off until approximately October. Commissioner Cornwell asked that the City notify Slick's, in writing, of the street closing and the time frame for submitting Special Function Permits. She would not be in favor of approving a last minute request again.

**MOTION:** Commissioner Cornwell moved and Commissioner Smith seconded a motion to approve First Friday on February 3 and March 2 with all paperwork being signed and insurance forms and all backup documentation attached with the permit.

Discussion: Commissioner Williams referred to Code 19-71 which requires the application to be submitted thirty days in advance, and recommends that the sponsor attend the City Commission meeting to answer questions. Mr. Williams asked if it was possible to send a highlighted copy of the ordinance to Slick's and Mr. Freeman said yes. The maker of the motion agreed to add this to the motion and the second to the motion concurred.

**MOTION: Commissioner Cornwell moved, Commissioner Smith seconded, and motion carried 3-1, with Commissioner Williams voting nay, to approve First Friday on February 3 and March 2 with all paperwork being signed and insurance forms and all backup documentation included with the permit, and applicant being notified of requirements pursuant to code.**

Commissioner Varnadore said she would make no exceptions in the future. Mr. Smith concurred.

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

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 reopened the public hearing continued from January 9, 2012.

Mr. Barnebey pointed out that there was no one in the audience who wanted to speak. Mr. Barnebey said the matter is currently in front of the P&Z Board. They had a meeting last week and a number of owners of farm labor housing had some concerns and they will meet with the Mayor and staff before it comes back on February 27. Mayor Bryant informed Commission that she has been meeting with the owners, and they are receptive to the ordinance because they want their locations to be as safe as possible.

**MOTION: Commissioner Williams moved, and Commissioner Varnadore seconded a motion to continue Ordinance 2011-33 to February 27, 2012.**

Commissioner Williams amended the motion to add "to continue *the public hearing for*" Ordinance 2011-33 and Commissioner Varnadore seconded the amended motion.

**MOTION: Commissioner Williams moved, Commissioner Varnadore seconded, and motion carried unanimously to continue the public hearing for Ordinance 2011-33 to February 27, 2012.**

5. DECEMBER 2011 CHECK REGISTER (Information Only)

6. BASEBALL FIELD UPDATE

Mayor Bryant advised Commission that she, Mr. Barnebey and Mr. Freeman will be meeting with the County on Wednesday at 3:00 p.m. to discuss the interlocal agreement for building the ball fields. Commissioner Varnadore asked that the City clarify who is taking the lead on the agreement and asked the Mayor to call Commission with an update after the meeting.

Mr. Tusing said Cindy Turner, Director, Manatee County Parks and Recreation, called him and asked for any drawings the City might have for the ball fields. He sent over drawings received from Heidt. It appears the County has already begun working on this.

7. ASR WELL UPDATE

Mr. Tusing said he received an email from FDEP stating they were satisfied with answers to the Requests for Additional Information (RAIs). They intend to grant the permit, and the City should receive the draft soon. The 100% plans should be completed in a few weeks. He clarified for Mr. Williams that this is a construction and testing permit.

8. DEPARTMENT HEADS' COMMENTS

Allen Tusing

Commented this was a good fair. Mayor Bryant added that she wanted to congratulate Ray D'Aiuto and Veolia for the display at the fair. It drew a lot of attention and media coverage. Mr. Tusing recognized his staff for their work at the fair. The fair manager called and complimented him on his staff.

Jim Freeman

Reported that Verizon is underway with initial stages of construction of the cell tower. There will be a budget amendment coming forward for legal fees related to Police Department negotiations. He is working to close out the two energy grants. He will be bringing an amendment forward to request more funding for the HVAC component, as the contractor identified things that needed to be done at the Police Department. Some portion may come from CIP funds.

Chief Wells

Informed Commission that Officer Chris Rossman was officially hired full time last Friday. The Chief thanked Commissioner Smith for his help with projects at the Police Department and for his leadership.

Commissioner Varnadore inquired about crime at the fair this year, and he reported there was very little criminal activity this year at the fair. She said she had received compliments about his department's coverage at the fair.

Mark Barnebey

Reported he is busy working on the contracts for Circle K and Cadence properties and they should close shortly. Commissioner Varnadore said she saw an article that said people could begin parking on the properties. Mayor Bryant said this will need discussion. Mrs. Varnadore asked for a press release and signage on the property.

9. MAYOR'S REPORT

She attended a ribbon cutting on Saturday at Unique Gifts located at 414 10<sup>th</sup> Avenue.

10. COMMISSIONERS' COMMENTS

Commissioner Varnadore

No comments

Commissioner Williams

Thanked the Police Department for the great job done at the fair. The paper reported it was one of the top three fairs.

Asked what the plans are for turning the one-way streets behind Popi's and the MTI Academy into two-way streets. Mr. Tusing said the one-way signs behind the academy have been removed. Mr. Williams asked if we should do away with parking on that street. Mr. Barnebey remarked that part of the road has been vacated. Mr. Tusing said he is working on the road behind Popi's.

He has observed trees overhanging into the street that need to be pruned for street sweepers. Mr. Tusing said he will ask the street sweeper to log locations.

Commissioner Williams asked about the status of the business with old cars and boats on the property that he brought up in November. He indicated there has been no change. Mr. Freeman said he understood they planned to put a fence along 4<sup>th</sup> Street, but he will check with Code Enforcement. Mayor Bryant requested that he send an update to all Commissioners.

Reported there is marine repair work being done on 10<sup>th</sup> Street and 18<sup>th</sup> Avenue. He believes that, per code, this activity is not permitted west of 8<sup>th</sup> Avenue.

Commissioner Cornwell

Stated this fair was one of the most family friendly fairs she has been to, and it was very well attended. She thanked Mr. Burton for attending the Historic Commission meeting for her. She asked that any emergency meetings be scheduled for 5:30 p.m., if at all possible. It is a huge expense for her to come back into town and then go back to work in the middle of the day.

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Charles Smith  
No comment.

The meeting was adjourned at 8:19 p.m.

Minutes approved:

James R. Freeman, City Clerk