

**TAB 1**

**DRAFT  
CITY OF PALMETTO  
CITY COMMISSION WORKSHOP MEETING  
FEBRUARY 6, 2012  
4:30 PM**

Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Lorraine Lynn, 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. DISCUSSION: CRIMINAL NUISANCE ABATEMENT

Attorney Barnebey referred to FS §893.138 and reviewed criteria that can constitute a public nuisance. Currently the City's ordinance only pertains to drugs. He suggested that Commission should consider updating the Code, as it was last amended in 1988.

Commission discussed the topic and authorized Attorney Barnebey to move forward with the update to the current nuisance abatement ordinance. Attorney Barnebey and Mayor Bryant concurred that the ordinance will apply to all properties in the City.



2. DISCUSSION: UPDATE ON SIGN ORDINANCE

Mr. Tusing stated he would like to place a draft of the sign ordinance on the February 27, 2012 workshop. His staff is encountering difficulty in administering the ordinance in the Code that was adopted in 1987. Ms. Lynn supported Mr. Tusing's recommendation.

Mr. Freeman discussed immediate needs that need to be addressed, such as the political/temporary signs and signage on the vacant land and/or vacant structures. He also stated that the Code is silent on conditional uses on signage and he would like to broaden the language to be applicable to conforming and non-conforming signs. He suggested that if Commission wished, the topics could be included in the draft Mr. Tusing is proposing for review at the next workshop.

Attorney Barnebey suggested that a comprehensive review of the entire sign ordinance would take time and the political signs need to be taken care of in the current ordinance, and before the next election. The issue is that the City treats the political signs differently, based on content. He opined that political signs are temporary signs and most of the regulations in the Code are for temporary signs. Discussion ensued on the various types of temporary signs that are being used throughout the City.

Debate ensued about whether the sign ordinance should be reviewed in its entirety or if Commission should consider the items that need immediate attention. Mayor Bryant recommended that the items needing immediate attention should be taken care of as fast as possible. She charged staff to coordinate a meeting at their level to ensure that all departments regulating signs are in agreement regarding a proposed ordinance. She also requested that Ms. Lynn work to schedule a joint meeting with the Commission and the P&Z Board to review the ordinance brought forward by staff.

It was general agreement among the Commission to review the items needing immediate attention at the next scheduled workshop.

Meeting adjourned at 5:35 p.m.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT  
CITY OF PALMETTO  
CITY COMMISSION MEETING  
FEBRUARY 6, 2012  
7:00 PM**

Elected Officials Present

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

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

Call to order, followed by a Moment of Silence and the Pledge of Allegiance.

PROCLAMATION: National Engineers Week February 19-26, 2012  
Accepting: Chris Sharek and Rich Updegraffe, Atkins  
Bob Lombardo, Lombardo, Foley & Kolarek

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

Non-agenda Item Public Comment:

Susie Dobbs, Manatee County Government, displayed a picture of the operational Lincoln Park Splash Park. The official ribbon cutting is scheduled March 24, 2012 at 9:00 a.m. Mayor Bryant commented on the multi-cultural event that is also scheduled for that date at Lincoln Park. The Splash Park will be open on the weekends beginning in March. The City will be provided the park's schedule once it has been developed.

Ann Marshall commented on the number of junk cars that are being parked in the City. Mayor Bryant said staff is in the process of looking at several different sites and Code Enforcement will perform a City-wide patrol so every identified site can be treated in the same manner.

Kevin Letch, Volunteers of America of Florida, a non-profit organization with business offices in Tampa, requested that the City amend its ordinance to allow for sewer service to a property outside the City limits. Mr. Letch stated the organization didn't wish to annex into the City because of the timing and expense, and because there was no advantage to the City because they would pay no ad valorem taxes. The Commission did not wish to consider his request.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the February 6, 2012 Agenda.**

2. CONSENT AGENDA APPROVAL

**A. CITY CLERK'S OFFICE**

1. Minutes: January 9 (Workshop), January 20, & 23, 2012
2. Legal Billing: Kirk Pinkerton
3. Special Function Permits: St. Pete Bicycle Club Spring Classic  
Palmetto Historic Commission Annual Events  
Palmetto B&B April – June Events
4. Resolution No. 2012-04 to amend the budget for payment of FLOC insurance deductible claims for Green and Nemeth totaling \$27,584
5. Resolution No. 2012-05 to amend the budget to accept the Wal-Mart donation to fund the PD's Back to School and Honor the Badge Christmas programs

Mr. Freeman corrected Resolution No. 2012-05 (Item #5) to correctly reflect that \$2,500 not \$2,300 would be the total budget amendment.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the February 6, 2012 Consent Agenda, modifying #5, Resolution No. 2012-05 to read \$2,500 vs. \$2,300.**

3. APPEAL OF CODE ENFORCEMENT LIEN, 1405 11<sup>TH</sup> AVE. W.

Florida Default Group for the Federal Home Loan Mortgage Corporation is requesting a reduction of the Code Enforcement lien amount of \$64,101.59.

Code Enforcement Director Bill Strollo gave a history of the violations documented at the property and the resulting lien issued by the Code Enforcement Board.

Al Dumas, Remax Alliance Group representing Freddie Mac, the title holder of the property, stated there was a sales contract on the property for \$50,000 with a closing date set for February 13, 2012. He requested the reduction in the lien amount, explained Freddie Mac was not the cause of the violations and brought the property into compliance once they obtained title.

Commission discussed the topic. Mr. Strollo confirmed that the majority of the lien is a result of fines levied from April to December, 2011. He discussed the noticing procedures to the lenders his department had followed.

**MOTION: Commissioner Zirkelbach moved and Commissioner Cornwell seconded to accept a total pay off of \$45,000, payable within 20 days. Motion carried 3-2 with Commissioner Smith and Commissioner Varnadore voting no.**

Mayor Bryant acknowledged the presence of County Commissioner Carol Whitmore.

Mayor Bryant left the Chambers.

4. MODIFICATION OF APPROVED AIR & ENERGY CONTRACT

As part of the Energy Grant #ARS050, Commission approved a contract with Air & Energy for \$132,600. Staff is requesting a modification to that contract to increase the amount by \$25,000 to cover additional HVAC replacement costs identified during site work at the Police Department and to ensure the City's required match of 16% is met.

**MOTION:** Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve expenditures of \$25,000 to Air & Energy, Inc. for energy grant upgrades and matching requirements which will be funded from the approved budgeted facility upgrades as part of the adopted CIP.

Vice Mayor Williams recessed the City Commission meeting to open the CRA Board Meeting.

Mayor Bryant reconvened the City Commission meeting at 8:30 p.m.

#### 5. RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. 2012-06 allocates the 5<sup>th</sup> Street Streetscape budget.

**MOTION:** Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 2012-06.

#### 6. BASEBALL FIELD UPDATE

Mayor Bryant requested that the Commission vote to transmit \$800,000 plus the sales price of the property the School Board will donate to the City to Manatee County. This commitment by the City may assist in moving the project forward while the City waits to receive finalization of costs and information on unencumbered funds. She stated one meeting has been held with county personnel and another one is scheduled for the 17<sup>th</sup>. Attorney Barnebey confirmed the county is preparing an interlocal agreement for the project.

Mayor Bryant commented on Manatee County's counter-offer whereby the City would also pay 30% of the construction costs of the fields. She told them the City is not in a position to commit funds that are not available. She spoke of the project being a county park and reviewed Census data showing Palmetto is only 11.5% of the area serviced by the North American Little League, which will utilize the proposed fields.

**MOTION:** Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to contribute to the project to a cap of \$800,000 plus the sales price from the property the School Board is willing to donate, subject to an Interlocal Agreement, with no additional funding required.

Mr. Freeman confirmed that funds have been reserved to satisfy any outstanding expenditure.

**MOTION:** Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 5-0 to recommend that a giant check be used [in presenting the funds to Manatee County].

#### 7. ASR WELL UPDATE

Mr. Tusing reported they are now reviewing 100% drawings.

#### 8. DEPARTMENT HEADS' COMMENTS

##### Mr. Freeman

The ARRA Grants are close to being completed. Mr. Freeman requested permission to use \$2,000 of the Road & Bridge Fund to pay a consultant for approximately 40 hours to assist in the finalization of all grant reporting requirements. Mayor Bryant agreed with Mr. Freeman's proposal.

9. MAYOR'S REPORT

Requested assistance for the Movie in the Park events.

Requested that Commission consider organizations they may know that might be willing to become a painting team.

10. COMMISSIONERS' COMMENTS

Mr. Zirkelbach

Mr. Freeman stated Verizon has started the cell tower site work. He will email the construction manager for a schedule.

Mr. Williams

Attorney Barnebey confirmed he will bring back additional information on open burning discussed in December.

Attorney Barnebey stated the authorization for the \$50,000 pipe line installed to Jupiter Boats within the CRA was legal. The question is whether or not it was a good policy decision.

Mayor Bryant stated she, Mr. Tusing and Mr. Burton have discussed the Project Manager and Superintendent at Public Works positions. In the interim, the City is contracting with a project manager.

Mr. Tusing reported Haben Blvd. was paved today. It is anticipated the street will be open by the end of the week.

Ms. Varnadore

Requested an update on reuse lines, with a plan to provide the service to all areas of the City.

The suspense log will be brought to the next workshop to prioritize items for rest of year.

Attorney Barnebey

Reported he had spoken with Commissioner Smith on a couple of items which he will follow up on.

Asked that Commissioners let him know if they want to meet with the consultant regarding the redistricting.

Meeting adjourned at 8:50 p.m.

Minutes approved:

James R. Freeman  
City Clerk