

TAB 1

**DRAFT
CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
MARCH 5, 2012
4:30 PM**

Elected Official Present

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

Elected Official Absent

Shirley Groover Bryant, Mayor

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, city clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

Vice Mayor Williams called the meeting to order at 4:30 p.m.

1. PROPOSED ORDINANCE: CRIMINAL NUISANCE ABATEMENT

Since the last review, Attorney Barnebey amended the ordinance as follows:

- Added definitions for controlled substances and place and premises
- Changed the terms of the board members to be two years
- Section 20-57, clarified that the City may bring enforcement actions on behalf of the board.
- Section 20-57, added sections c (based on comments from Commissioner Williams), and d, e and f (which are restatements from the Statutes.

Attorney Barnebey confirmed that as drafted, any unit within an apartment complex would be considered a place or premise because the property is under one ownership. Condominiums are under individual ownership so any one unit would be one place or premise. Attorney Barnebey explained the Nuisance Abatement Board makes the decision that a property before them is a public nuisance, and the enforcement of the decision City lies with the City. Only the fine imposed by the board can be appealed to the Commission. He suggested that if the decision by the board is to close the property, that the ordinance be amended to include Commission notification of action taken to close a property. The Commission would have to take action before a property can be demolished. He confirmed that anything short of filing suit against a property is within the executive power of the Mayor.

Attorney Barnebey explained that the City can monitor a property declared as a nuisance for a period of one year by inspection. During this jurisdiction period is when a \$500 per day fine can be assessed for repeat violations. Attorney Barnebey will determine if due process is necessary for a repeat violation.

Chief Wells discussed evidence that will be document with an investigation. He explained that an investigation occurs at an address and then the property owner evicts the tenant; a new investigation occurs at the same address with a new tenant; those would be separate cases for the Police Department. Chief Wells suggested that is the way the ordinance should be drafted, and should be the same for an apartment complex. Attorney Barnebey does not think that is how the ordinance is drafted. Attorney Barnebey suggested that enforcement will probably occur when a property owner or apartment complex

manager does not work to resolve an issue. Attorney Barnebey explained the ordinances gives a wide variety of enforcement tools, but it may be necessary to look at it after actually implementing the ordinance and hearing a case.

The ordinance was moved forward to the 7:00 agenda for Commission action.

2. PROPOSED ORDINANCE: REDISTRICTING

Attorney Barnebey introduced Dr. Robert Pennock, FSU Applied Demographics, who has developed the three options for redistricting the City's ward boundaries. The last time the redistricting was done was 2003 after the 2000 Census. The 2010 Census data was used to develop the proposed options.

Dr. Pennock explained how he had arrived at the data contained in the three options to arrive at an overall range of ward population below 10% at a minimum, keeping the minority percentages as close to the current numbers as possible, as well as keeping the wards compact and contiguous. A copy of the current ward boundaries and the three options are attached to and made a part of these minutes.

Commissioner Smith voiced concern with drawing boundaries when an original boundary map from 1990 is not available. Commission discussed the three options. Mr. Barnebey explained that projected growth was considered when developing the options. He opined that in some instances it is obvious there are errors in the population count and the City can challenge the count before June of 2013. Dr. Pennock confirmed that every individual counted in the Census is classified in a particular race. Dr. Pennock explained how the data does not separate out the white population and how often Hispanic and Latinos will classify themselves as "some other race". The Census showed that in Palmetto the Black or African American saw no increase; Hispanic or Latino rose slightly and "some other race" counted 1,322 individuals.

Attorney Barnebey stated the Supervisor of Elections has reviewed the three options and personally chose Option C. He confirmed that all three current Ward Commissioners will remain within their Ward in any of the three options. He also stated he can defend all three options.

Commissioner Varnadore departed the meeting at 6:14 p.m.

Discussion continued on the options some of the Commissioners preferred. Attorney Barnebey agreed that the issue can be looked at again before the next Census, and will be looked at sooner should the City decide to challenge the Census data.

Commission agreed to move the topic to the 7:00 agenda for Commission action.

Minutes approved:

James R. Freeman
City Clerk

**DRAFT
CITY OF PALMETTO
CITY COMMISSION MEETING
MARCH 5, 2012
7:00 PM**

Elected Officials Present

Brian Williams, Vice Mayor, Commissioner, Ward 3 (entered at 7:04 p.m.)
Tamara Cornwell, Commissioner-at-Large 1
Alan Zirkelbach, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Elected Official Absent

Shirley Groover Bryant, Mayor

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

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

PROCLAMATION: National Safe Place Week March 18-24, 2012
Accepting: DeEtt M. Bailey, MSW
Manatee County Community Relations Specialist

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

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the March 5, 2012 Agenda.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: February 27, 2012
2. Appointment of Patricia Persson to the General Employees' Pension Plan Board of Trustees for a term ending January, 2014.

Mrs. Ponder asked that the February 27, 2012 Workshop Meeting minutes be corrected to show that Commissioner Cornwell entered the meeting late rather than Commissioner Varnadore.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the March 5, 2012 Consent Agenda with the correction to the Workshop Meeting minutes.

3. FIRST READ: ORDINANCE NO. 2012-05 (Carried forward from Workshop Meeting)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REVISE PROVISIONS RELATED TO CRIMINAL PUBLIC NUISANCES AND THE CRIMINAL NUISANCE ABATEMENT BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Smith seconded and motion carried 5-0 to schedule Ordinance No. 2012-05 for public hearing on March 19, 2012.

4. FIRST READ: ORDINANCE NO. 2012-06 (Carried forward from Workshop Meeting)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REDISTRICTING OF VOTING WARDS; ADDING SECTION 12-13 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Smith moved, Commissioner Varnadore seconded and motion carried 4-1 to schedule Ordinance No. 2012-06, for public hearing on March 19, 2012., with Option A. Commissioner Cornwell voted no.

MOTION: Commissioner Smith moved, Commissioner Williams seconded and motion carried 4-1 that five years from the date of this motion Commission revisits the boundaries of the City of Palmetto, together with Ward seats. Commissioner Cornwell voted no.

5. BASEBALL FIELD UPDATE

A meeting is scheduled Friday for the conceptual plan and costs.

6. ASR WELL UPDATE

No report.

7. DEPARTMENT HEADS' COMMENTS

Chief Wells

No report.

Mr. Freeman

Staff is revisiting the project log in anticipation of bringing it back to Commission. Mobile businesses, specifically food vendors, will be added to the project log so Commission can determine if they should continue to be allowed in the City and, if so, under what conditions.

Mr. Freeman will have Code Enforcement look at the property north of town that opened as a business and now operates as a residence.

The Verizon cell tower under construction and should be completed by the end of the week, but the operational date is not known at this time.

Mr. Barnebey

The political and temporary signs will be put on the next workshop for discussion. An issue Mr. Freeman brought up will be researched, which may mean the topic will be updated.

The Shell station property is undergoing the Phase 2 environmental study. An answer should be available next month.

8. MAYOR'S REPORT

The 7th Street light issue will be on the Council of Governments meeting in April. Experts have recommended solutions. Charettes will be held.

A recommendation on the Sutton Park renovation bid will be on the March 19, 2012 agenda.

9. COMMISSIONERS' COMMENTS

Mr. Smith

Mr. Tusing explained the problems incurred in the Ward 1 Phase 2 project, stating the contractor will be back on the project on March 6, 2012. He also discussed the grant funding of the northern portion and the funding from the bid process. Staff will have to come back to the CRA Board and request an adjustment to totally fund the project. He discussed the contingency he now requests when seeking approval for a project, which avoids having to submit change orders for approval.

Mr. Tusing stated Jackson Park is the next scheduled place to be working. Mr. Smith commented on the different dates he has given his constituents regarding when the work would have occurred and the City has not responded.

Ms. Cornwell

Mr. Tusing reported the Roundabout is still one direction of traffic from Hwy 301 to Hwy 41. The city should have the landscaping completed by Monday, after which the final lift of asphalt will be applied. Ms. Cornwell suggested that Mr. Tusing and Chief Wells look at how training can be provided for navigating the roundabout.

Reported she attended the Evening of Excellence for the EdVantage Educators Award. The winner was from Palm View.

There is a Fair board meeting tomorrow.

Ms. Varnadore

Attorney Barnebey will report back next meeting on the open burn ordinance. The state regulates open burning; he doesn't know if the City has designated someone to receive the state's training.

Mr. Freeman hasn't pursued the signage at City Hall. He will update Commission before proceeding with the project.

Mr. Williams

Referring to the cars on 5th St. with no fencing, Mr. Freeman reported Code Enforcement has been in contact with the business and is looking at other areas of the City. Mr. Williams opined, and Mr. Smith agreed, that some action has to be taken on a business on which complaints are being received. Mr. Freeman will update Commission on the status of the issue this week. Discussion ensued on complaints received by Commissioners that are not being addressed. Ms. Varnadore suggested that if a Commissioner has been given a date of completion on a received complaint and that date is not met, the Commissioner should be updated.

Chief Wells reported no complaints have been received, but the Police Department will look at the traffic on 17th Street west of 14th Avenue after school hours. Commented on the CBI building being down. Looking forward to seeing the area's development.

Thanked Mr. Tusing for taking CRA sign off the trailer.

Palmetto City Commission
March 5, 2012
Page 4 of 4

Meeting adjourned at 7:40.

Minutes approved:

James R. Freeman
City Clerk